



**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Water Protection & Land Reuse  
Remediation Division

79 Elm Street, Hartford, CT 06106-5127  
(860) 424-3705 [www.ct.gov/deep/remediation](http://www.ct.gov/deep/remediation)

DEEP Use Only  
Date Received

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## **Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013**

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In accordance with Section 22a-133q-1(d) of the Regulations of Connecticut State Agencies (RCSA), as amended, when submitting a proposed Environmental Land Use Restriction (ELUR) to the Commissioner for review and approval, the owner of the affected parcel of land (the "Property") shall simultaneously submit a completed application furnished by the Commissioner. The "Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013" ("Application") contained herein has been developed for this purpose. Complete this form in its entirety, in accordance with the [Instructions and Guidance - Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013](#) ("Instructions and Guidance"), as provided on the CT Department of Energy & Environmental Protection ("Department") [Environmental Land Use Restrictions](#) webpage.

The Application is designed to be completed electronically in Microsoft Word® ("Word"). The applicant is directed to: enter information in text fields, check boxes to select applicable regulatory language, and insert supporting documents directly into the Application. Certain text fields will "auto-populate", i.e., once entered they will repeat throughout the Application. Specifically, these are the fields that have been bookmarked and are bracketed in Section A. Within the application, to view the auto-populated fields, press "Print-Preview" (and then close).

**Note:** The Department strongly recommends that the ELUR application be submitted in electronic form saved as a Word Document, however, a paper copy of the Application will also be accepted (version provided on the [Environmental Land Use Restrictions](#) webpage).

As a reminder, when processing is complete the final ELUR documents that will be recorded on the municipal land records will be in paper copy form.

**Note:** The Application is specific to ELURs that will be reviewed and approved by the Commissioner. For ELURs prepared pursuant to Section 22a-133y of the Connecticut General Statutes (CGS), which will be approved by a Licensed Environmental Professional (LEP), please contact the ELUR Coordinator at [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) for further information.

The terms used herein are defined in the [Remediation Standard Regulations](#) (RSRs) Sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA, as amended, and RCSA [Section 22a-133q-1](#), as amended.

**Note:** The following is an outline of the Application contents. Due to the nature of the document, an outline rather than a table of contents (with altering page numbers) has been provided. The outline provides a quick overview of the Application and will help the applicant navigate directly to relevant sections. The headers serve as links and the sections can be reached by pressing Ctrl-Click. To return to the outline from within the document, a quick return link is provided in each section.

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## Transmittal Form

Insert completed [Transmittal Form](#) below (for instructions, see [How to electronically embed an Object into the Application](#)).\*

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

## Section A. Application Information

### Part I. Property Information – Physical Location

Property/Facility Name ("Property"):		
Other Name(s):		
Address:		
City/Town:	State: CT	Zip Code:
County:		
Remediation Division Site Identification Number (REM ID#):		

**Part II. Property Owner Information** -- If there is more than one Property Owner, enter all names in the **Grantor Legal Name** field separated by a comma (to ensure they repeat within the Application, particularly the Declaration Document). If the contact information is different for each, enter "see next page" in the field(s). The next page is not locked, and the Property Owner Information block can be copied and pasted as needed. Note that the contact information would ordinarily auto-populate in Section E, Part II, but in the case of multiple Property Owners, the feature will be disabled. When you reach Section E., simply refer the reader back to this section.

Name of Property Owner:		
E-mail Address:		
Mailing Address:		
City/Town:	State:	Zip Code:
Preferred Phone Number:	Ext.:	Fax:
Alternate Phone Number:	Ext.:	
CT Secretary of State Business ID# (as provided by <a href="#">CONCORD</a> ):		
Name of Primary Contact for Property Owner (if applicable; complete Part III below):		

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**Part II. Property Owner Information (continued) \***

Name of Property Owner:		
E-mail Address:		
Mailing Address:		
City/Town:	State:	Zip Code:
Preferred Phone Number:	Ext.:	Fax:
Alternate Phone Number:	Ext.:	
CT Secretary of State Business ID# (as provided by <a href="#">CONCORD</a> ):		
Name of Primary Contact for Property Owner (if applicable; complete Part III below):		

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\*  This section is not locked; copy and paste Part II. as needed.

### Part III. Primary Contact Information

**Reminder ---** To see the auto-populated fields, for example **Primary Contact Name**, press "Print Preview" (and then close).



Name of Primary Contact:		
Firm Name:		
E-mail Address:		
Address:		
City/Town:	State:	Zip Code:
Preferred Phone Number:	Ext.:	Fax:
Alternate Phone Number:	Ext.:	

### Part IV. Environmental Professional Information

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

### Part V. Attorney Information

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

**Part VI. Land Surveyor Information**

Name:	License #:	
Firm Name:		
E-mail Address:		
Address:		
City/Town:	State:	Zip Code:
Preferred Phone Number:	Ext.:	Fax:
Alternate Phone Number:	Ext.:	

**Part VII. Program Involvement -- Identify Program(s) in which the Property is involved by checking the applicable box(es).**

<input type="checkbox"/> Property Transfer Program under Sections 22a-134 through 22a-134e of the CGS
<input type="checkbox"/> Voluntary Remediation Program under Section 22a-133x of the CGS
<input type="checkbox"/> Resource Conservation and Recovery Act (RCRA) Corrective Action Program
<input type="checkbox"/> State or Federal Superfund Program
<input type="checkbox"/> Final Administrative (Unilateral or Consent) Order issued by the Department or final judicial stipulated judgment which requires investigation and remediation of hazardous wastes or substances to achieve the requirements of the Remediation Standard Regulations (RSRs) Sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA)
<input type="checkbox"/> Other Department Program which requires investigation and remediation of hazardous wastes or substances to the satisfaction of the Commissioner, or the RSRs. Specify:
<input type="checkbox"/> The Property is subject to regulation pursuant to Part 761, Title 40 of the Code of Federal Regulations (40 CFR Part 761)

**Part VIII. Existing ELUR and/or Release Recorded on the Municipal Land Records (if applicable)**

Property/Facility Name:
Other Name(s):
Grantor Name as it appears on the existing ELUR and/or Release:

Address (Property/Facility):
City/Town (Property/Facility):
Date existing ELUR Recorded on the Municipal Land Records: Volume/Page:
Date ELUR Release (temporary in part or in whole) approved by the Commissioner (if applicable): Date ELUR Release (temporary in part or in whole) Recorded on the Municipal Land Records (if applicable): Volume/Page:
Date Request for Permanent Release from the Existing ELUR submitted to the Commissioner (if applicable):

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## Section B. Public Notice of Grantor's Intent to Record an ELUR

If Public Notice is **not required**, check and complete Part I.

### Part I. If Public Notice is not Required for Residential Activity Restriction ELUR

*(Check both boxes; enter information as requested.)*

In accordance with Section 22a-133q-1(c)(2) of the RCSA, Public Notice need not be published if the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use.

and

The municipal zoning designation for the Property is:

The definition of the designation (which clearly indicates that the Property is restricted to industrial or commercial activities) is as follows:

The municipal zoning designation for the Property is included on Exhibit C – ELUR Class A-2 Survey.

OR

If Public Notice is **required**, check and complete Part II.

### Part II. If Public Notice is Required for Proposed ELUR

Public Notice meets requirements of RCSA 22a-133q-1(c):

*(All boxes will apply, check all.)*

Published in at least one newspaper of general circulation in the area affected by the proposed ELUR;

Includes the name and address of Property Owner;

Includes the address of the Property or a brief description of its location;

Includes a brief description of the purpose of the proposed ELUR (**as indicated in Part II. A. below**);

Includes the name and address of an individual from whom interested persons may obtain a copy of the proposed ELUR;  
and

Includes a statement that public comments on the proposed ELUR may be submitted in writing for thirty (30) days after the date of publication to:

**Connecticut Department of Energy & Environmental Protection**

Commissioner c/o Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

Attention: Public Comments on Proposed ELUR

## Part II. A. Types of Restrictions Included in the Public Notice

(Check box(es) that apply.)

- Residential Activity Restriction - Soil** (RCSA Section 22a-133k-2(b)(2)(A))
- Residential Activity Restriction - Soil (PCBs)** (RCSA Section 22a-133k-2(b)(2)(B))
- Exposure of Inaccessible Soil Restriction** (RCSA Section 22a-133k-2(b)(3))
- Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction** (RCSA Section 22a-133k-2(c)(4)(A))
- Disturbance of Engineered Control and Polluted Soil Restriction** (RCSA Section 22a-133k-2(f)(2)(B))
- Residential Activity Restriction - Groundwater** (RCSA Section 22a-133k-3(c)(2))
- Residential Activity Restriction - Soil Vapor** (RCSA Section 22a-133k-3(c)(3)(A))
- Building Construction Restriction** (RCSA Section 22a-133k-3(c)(5)(A))
- Groundwater Use Restriction** (RCSA Section 22a-133k-3(e)(2)(C))

## Part II. B. Publication of Public Notice

(Check box; enter information as requested.)

- Certified copy of Public Notice is inserted on the following page.

Date Published:

Name of Newspaper:

## Part II. C. Public Comment

(Check box that applies.)

- No public comments were received.

or

- A summary of all written public comments that were received within thirty (30) days after the date of publication of the Public Notice and a brief response to each comment is provided in **Exhibit B – Decision Document Overview**.

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## Certified Copy of Public Notice

✓ Insert Certification of Public Notice below.\*

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

## Section C. Declaration of Environmental Land Use Restriction and Grant of Easement

Complete the attached Declaration Document, as directed.

**Note:** The wording of this electronic version of the Declaration Document is identical to the form that appears in Appendix 1 of RCSA Section 22a-133q-1, as amended. Disregard any typographical errors or apparent discrepancies – these are present in the regulatory form. The regulations for the Declaration Document may be revised in the future.

**Reminder** - The Declaration Document should be submitted unsigned and undated with the Application package. Upon completion of administrative and technical review, the Declaration Document will be returned by e-mail to the Primary Contact. The Primary Contact will print a paper copy and obtain the Grantor's signature. The Commissioner or duly designated agent will sign and date after the Grantor signs.

**Reminder** --- To see the auto-populated fields press "Print Preview" (and then close).



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Declaration of Environmental Land Use Restriction and Grant of Easement

**Instructions - Select one of the two choices below by checking the applicable check box.**

**If the Commissioner of Energy & Environmental Protection signs the environmental land use restriction:**

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

WHEREAS, the Grantee has determined that this environmental land use restriction will effectively protect human 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

**If a Licensed Environmental Professional signs the environmental land use restriction pursuant to section 22a-133y of the General Statutes:**

WHEREAS, remediation of the property has been conducted in accordance with section 22a-133y of the General Statutes; and

WHEREAS, the Licensed Environmental Professional whose signature appears below has determined that the environmental land use restriction set forth below is consistent with regulations adopted by the Commissioner of Energy & Environmental Protection pursuant to section 22a-133k of the General Statutes; and

WHEREAS, the Licensed Environmental Professional whose signature appears below has determined that this environmental land use restriction will effectively protect human 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

## Declaration of Environmental Land Use Restriction and Grant of Easement

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 that the use and activity at the property and the Subject Area is restricted in accordance with the requirements of the Decision Document attached hereto as Exhibit B.
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 in accordance with the requirements of the Decision Document, attached hereto as Exhibit B. Such restrictions shall remain in effect unless and until a release is obtained under paragraph 5 below.
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.
4. Emergencies. In the event of an emergency which presents a significant risk to human health or the environment, the application of Paragraphs 2 and 3 above may be suspended, provided such risk cannot be abated without suspending said Paragraphs 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. After the emergency is abated, 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.

## Declaration of Environmental Land Use Restriction and Grant of Easement

5. Release of Restriction; Alterations of the 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 the Subject Area inconsistent with this environmental land use restriction until a release has been approved by the Commissioner and such release is either recorded on the land records in the municipality where such parcel is located or the requirement to record such a release is waived by the Commissioner pursuant to section 22a-133o of the General Statutes. The Grantee shall not approve any permanent release of 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, the Grantee's 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, the Grantee's 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 Exhibit B of 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

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 Judgment of the Court to the Grantee in accordance with R.C.S.A. section 22a-133q-1(1). 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.

Declaration of Environmental Land Use Restriction and Grant of Easement

Signature Page Follows

Declaration of Environmental Land Use Restriction and Grant of Easement

In witness whereof, the undersigned has/have executed this Environmental Land Use Restriction this day of \_\_\_\_\_, \_\_\_\_\_.

This page is not locked in Word and the Applicable Signature Block can be inserted in this space. Examples are:

**If for an individual:**

Witnessed by:

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Witness 2

**If for an entity:**

Witnessed by:

\_\_\_\_\_  
Printed Grantor Name

\_\_\_\_\_  
Witness 1

By: \_\_\_\_\_  
Authorized Signatory for the Entity

Its duly authorized

\_\_\_\_\_  
Witness 2

Mailing Address:  
Street Address:  
City/Town:  
State and Zip Code:

Declaration of Environmental Land Use Restriction and Grant of Easement

**Instructions Notarization Language for Grantor Acknowledgement - select appropriate notarization language from one of the choices below by checking the applicable check box and providing the information required.**

**If the Grantor is an individual:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_ the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person(s) whose name(s) \_\_\_\_\_ subscribed to the within instrument and acknowledged that \_\_\_\_\_ executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires \_\_\_\_\_

OR

**If the Grantor is a Corporation:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_ the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself /herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that he/she, as such \_\_\_\_\_, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as \_\_\_\_\_.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires \_\_\_\_\_

Declaration of Environmental Land Use Restriction and Grant of Easement

OR

**If the Grantor is a Limited Liability Company:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a (member managed or manager managed) limited liability company, and that he/she, as such \_\_\_\_\_, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself/herself as \_\_\_\_\_.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires \_\_\_\_\_

OR

**If the Grantor is any other type of entity, provide appropriate language for the Grantor Entity below:**

Declaration of Environmental Land Use Restriction and Grant of Easement

**Instructions Grantee Signature Block - Select one of the two choices below, as applicable;**

**This choice is used for all environmental land use restrictions except those approved pursuant to section 22a-133y of the General Statutes.**

**Grantee:** The Grantee, the Commissioner of Energy & Environmental Protection or by the Commissioner's duly designated agent, Betsey Wingfield, Bureau Chief.

By: \_\_\_\_\_

Date:

Name: Betsey Wingfield

Its Duly Authorized: Bureau Chief

Mailing Address:

Bureau of Water Protection and Land Reuse

Connecticut Department of Energy & Environmental Protection

Street Address: 79 Elm Street

City/Town: Hartford

State and Zip Code: Connecticut 06106

**This choice is used solely for environmental land use restrictions approved pursuant to section 22a-133y of the General Statutes.**

**Grantee:** The Grantee, the Commissioner of Energy & Environmental Protection, by the undersigned Licensed Environmental Professional authorized as a duly designated agent pursuant to section 22a-133y of the Connecticut General Statutes.

Licensed Environmental Professional as Duly Authorized Agent for Grantee, the Commissioner of Energy & Environmental Protection:

By: \_\_\_\_\_

Date:

Name:

Its Duly Authorized Agent: Licensed Environmental Professional authorized pursuant to section 22a-133y of the Connecticut General Statutes

Grantee Mailing Address:

Bureau of Water Protection and Land Reuse

Connecticut Department of Energy & Environmental Protection

Street Address: 79 Elm Street

City/Town: Hartford

State and Zip Code: Connecticut 06106

Declaration of Environmental Land Use Restriction and Grant of Easement

Information for Duly Authorized Agent for Grantee (Licensed Environmental Professional):

Name:

License Number

Title, if applicable

Company, if applicable

Mailing Address:

Street Address:

City/Town, State, Zip Code:

Witnesses:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed/typed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed/typed name

Declaration of Environmental Land Use Restriction and Grant of Easement

Instructions Notarization Language for Duly Authorized Agent for Grantee (Licensed Environmental Professional):

State of  
County of

On this            day of            ,            before me,            the undersigned officer, personally appeared            , known to me (or satisfactorily proven) to be the person(s) whose name(s)            subscribed to the within instrument and acknowledged that            executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires

## Section D. Exhibits to the ELUR and Supplemental Information

**NOTE:** When processing is complete, in addition to the Declaration Document, the final ELUR will consist of the final paper copies of the following “”:



Exhibit A. Property Description (Metes and Bounds)

Exhibit B. Decision Document Overview

Exhibit B. Decision Document Restriction Form(s) (Note: Only the applicable Forms will be included in final ELUR)

Supplemental information (the Application will direct the applicant to insert documents electronically; see instructions below) –

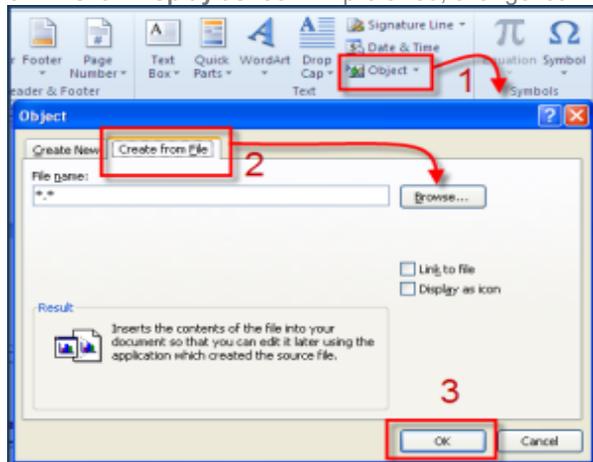
- ✓ Tables/figures
- ✓ EPA's approval of the PCBs Notification pursuant to 40 CFR 761.61
- ✓ Commissioner's condition approval of Engineered Control
- ✓ Description of Engineered Control (As-Built)
- ✓ Mechanism for financial assurance for the Engineered Control
- ✓ Commissioner's approval of the variance due to Technical Impracticability of Groundwater Remediation



Exhibit C. ELUR Class A-2 Survey

Instructions -- How to electronically embed an Object into the Application ----

1. Open the Word document (the Application) and select **Insert** on the ribbon.
1. In the **Text group** click the dropdown arrow for **Object** and select **Object (saved as PDF, Word, or JPEG)**.
2. The **Object dialog box** will appear. Select **Create from File**.
3. Choose **Browse** and select the file to embed.
4. The file location will now appear on the **Object dialog box**.
5. Click **Display as Icon**. If preferred, change icon name.



6. Click **OK**.
7. An icon is inserted into the Application.
8. Double-click on the icon to scroll through the document.

**Note:** This is not the file. It is an image link to the file that is now a hidden part of the Application.

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## **Exhibit A. Property Description (Metes and Bounds)**

The Property Description (Metes and Bounds) is as follows:

.

## Exhibit B. Decision Document Overview

**Property/Facility Name ("Property"):**

**Grantor Legal Name:**

**Address:**

**City/Town:**

The purpose of this Decision Document is to describe:

1. The type and location of substances present in soil, groundwater or soil vapor on or underlying the Property or portion thereof ("Subject Area") which is the subject of the Environmental Land Use Restriction (ELUR);
2. The provisions of the ELUR and why such restrictions or limitations on the use of the Property or portion thereof are necessary to adequately protect human health and the environment; and
3. Description of the reason for the ELUR, including an explanation why such restriction is consistent with Sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

This Decision Document consists of the following restriction(s), for which the applicable individual Restriction Forms are attached:

Restriction <i>(Check box(es) that apply; enter Subject Area(s) designation.)</i>	Subject Area(s)
<input type="checkbox"/> <b><u>Residential Activity Restriction - Soil</u></b>	█
<input type="checkbox"/> <b><u>Residential Activity Restriction – Soil (PCBs)</u></b>	█
<input type="checkbox"/> <b><u>Exposure of Inaccessible Soil Restriction</u></b>	█
<input type="checkbox"/> <b><u>Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction</u></b>	█
<input type="checkbox"/> <b><u>Disturbance of Engineered Control and Polluted Soil Restriction</u></b>	█
<input type="checkbox"/> <b><u>Residential Activity Restriction - Groundwater</u></b>	█
<input type="checkbox"/> <b><u>Residential Activity Restriction – Soil Vapor</u></b>	█
<input type="checkbox"/> <b><u>Building Construction Restriction</u></b>	█
<input type="checkbox"/> <b><u>Groundwater Use Restriction</u></b>	█

Public Notice of Grantor's Intent to Record an Environmental Land Use Restriction

*(Check box that applies.)*

**Public Notice is not Required for Residential Activity Restriction ELUR**

In accordance with Section 22a-133q-1(c)(2) of the RCSA, Public Notice need not be published if the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use.

or

**Public Notice is Required for Proposed ELUR**

*(Enter information as requested.)*

Date Published: \_\_\_\_\_ Name of Newspaper: \_\_\_\_\_

and

*(Check box that applies.)*

No public comments were received.

or

A summary of all written public comments that were received within thirty (30) days after the date of publication of the Public Notice and a brief response to each comment is provided below:

Approval of this Decision Document is hereby granted.

**GRANTEE:** The Grantee, the Commissioner of the Department of Energy & Environmental Protection or by the Commissioner's duly designated agent, Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Betsey Wingfield, Bureau Chief  
Bureau of Water Protection and Land Reuse  
Connecticut Department of Energy & Environmental Protection

## Exhibit B. Decision Document Restriction Form(s)

### Cover Page

**Reminder:** All Restriction Forms are included in the Application. If a Form does not apply, check “NA” (not applicable) below. When final, only the Forms pertinent to your application will be recorded on the municipal land records. Those that are “NA” **will not be included** in the final ELUR package.

As with the Table of Contents, each Restriction Form can be navigated to directly by pressing Ctrl-Click on the highlighted field.

<i>Applicable</i>	<i>Not Applicable</i>	<i>Restriction Form</i>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Residential Activity Restriction - Soil Form</u></b>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Residential Activity Restriction – Soil (PCBs) Form</u></b>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Exposure of Inaccessible Soil Restriction Form</u></b> (A number of options are available for selection within this Form. Those that do not apply can be checked “NA”, or not applicable; these <b>will not</b> be included in the final ELUR package.)
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction Form</u></b> (Two options are available for selection within this Form. Those that do not apply can be checked “NA”, or not applicable; these <b>will not</b> be included in the final ELUR package.)
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Disturbance of Engineered Control and Polluted Soil Restriction Form</u></b> (Two options are available for selection within this Form. The one that does not apply can be checked “NA”, or not applicable; this <b>will not</b> be included in the final ELUR package.)
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Residential Activity Restriction - Groundwater Form</u></b>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Residential Activity Restriction – Soil Vapor Form</u></b>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Building Construction Restriction Form</u></b>
<input type="checkbox"/>	<input type="checkbox"/> NA	<b><u>Groundwater Use Restriction Form</u></b>

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Return to the cover page from any Restriction Form by Ctrl-Click on:  Return to [Exhibit B. Decision Document Restriction Form\(s\)](#)

## 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.)*

<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.

## Exhibit B. Decision Document

### Residential Activity Restriction – Soil Form \*

#### 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):

- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### **Residential Activity Restriction – Soil (PCBs) Form**

In accordance with Section 22a-133k-2(b)(2)(B) of the Regulations of Connecticut State Agencies (RCSA) soil polluted with PCBs at a release area may be remediated to the Industrial/Commercial Direct Exposure Criteria for PCBs if the Property upon which such release area is located is: (i) an outdoor electrical substation, as defined in 40 Code of Federal Regulations Part 761.123 (40 CFR 761.123); or (ii) an other restricted access location, as defined in said section 40 CFR 761.123 and an Environmental Land Use Restriction is in effect with respect to such Property, or to the portion of such Property containing such release area, 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)(B).

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

Subject Area [redacted] is the entire Property.

or

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

#### **Type and Location of Substances (PCBs) at Subject Area:**

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

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

**AND**

<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

**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) (PCBs) 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) (PCBs) 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 boxes 1 and 2, enter Subject Area(s) designation.)*

- 1)  Soil polluted with PCBs is remediated to concentrations at which the Industrial/Commercial Direct Exposure Criteria for PCBs in soil, as defined in RCSA Section 22a-133k-1(34), are met.

and

*(Check box(es) that apply; enter information as requested.)*

- Subject Area [redacted] is an outdoor electrical substation as defined in 40 CFR 761.123; or  
 Subject Area [redacted] is an other restricted access location as defined in 40 CFR 761.123.

Description of restrictive access location:

and

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

## Exhibit B. Decision Document

### Residential Activity Restriction – Soil (PCBs) Form \*

#### Supplemental Information

**If the Residential Activity Restriction - Soil (PCBs) 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.

**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):**

- ✓ Insert electronic copies of tables and figures below.
- ✓ If applicable, insert electronic copy of EPA's approval of the PCBs Notification pursuant to 40 CFR Part 761.61 below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### Exposure of Inaccessible Soil Restriction Form

In accordance with Section 22a-133k-2(b)(3) of the Regulations of Connecticut State Agencies (RCSA) **the Direct Exposure Criteria for substances other than polychlorinated biphenyls (PCBs) do not apply to inaccessible soil** at a release area provided that if such inaccessible soil is less than fifteen (15) feet below the ground surface an Environmental Land Use Restriction is in effect with respect to the subject Property or portion of such Property containing such release area, which ensures that such soils will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.<sup>1</sup>

In accordance with Section 22a-133k-2(b)(3) of the RCSA **inaccessible soil containing PCBs** (as indicated below) may be left in place at a release area provided that if such inaccessible soil is less than (15) feet below the ground surface an Environmental Land Use Restriction is in effect with respect to the subject Property or portion of such Property containing such release area, which ensures that such soils will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.

For inaccessible soil polluted with PCBs, the following Direct Exposure Criteria apply:

- An alternative criterion, as approved in accordance with Section 22a-133k-2(d)(7); or
- Ten (10) ppm PCBs by weight; or
- Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an other restricted access location, as defined in 40 Code of Federal Regulations Part 761.123 (40 CFR 761.123); or
- Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation, as defined in 40 CFR 761.123; or
- Fifty (50) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation, as defined in 40 CFR 761.123, and a label or notice is visibly placed in the area in accordance with 40 CFR Part 761.

#### **Purpose:**

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure that polluted soil that is inaccessible (as defined in RCSA Section 22a-133k-1(32)) at the Subject Area(s) ("Subject Area") designated below will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.

**Check the applicable box(es) to identify the Property-specific approach(es) taken to render the polluted soil inaccessible pursuant to RCSA Section 22a-133k-1(32), or "NA" (not applicable), as follows:**

<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

**Pursuant to RCSA Section 22a-133k-1(32):**

- The inaccessible soil is polluted soil which is more than four (4) feet below the ground surface.
- 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) for Option A and Option B, as applicable; enter Subject Area(s) designation.)*

- Option A – No Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited below the ground surface (“No Disturbance”).

and

- The ground surface at Subject Area [ ] will be repaired when necessary to maintain the elevation and topography that existed prior to any disturbance caused by natural occurrences (such as erosion and frost heaves).

- Option B – Allowable Limited Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] is at a depth of [ ] below the ground surface and will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited at depths greater than [ ] below the ground surface (“Allowable Limited Disturbance”).

and

- The ground surface at Subject Area [ ] will be repaired when necessary to maintain the elevation and topography that existed prior to any Allowable Limited Disturbance or any disturbances by natural occurrences (such as erosion and frost heaves).

and/or

Declaration of Environmental Land Use Restriction and Grant of Easement

**Pursuant to RCSA Section 22a-133k-1(32):**

The inaccessible soil is polluted soil which is more than two (2) feet below a paved surface comprised of a minimum of three (3) inches of bituminous concrete or concrete, which two (2) feet may include the depth of any material used as sub-base for the pavement.

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) for Option A and Option B, as applicable; enter Subject Area(s) designation.)*

**Option A – No Disturbance** or  **NA**  
*(Check all boxes.)*

The polluted soil rendered inaccessible at Subject Area [redacted] will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited below the paved surface (“No Disturbance”).

and

The pavement at Subject Area [redacted] will be maintained in good condition in accordance with the maintenance and monitoring plan specified below.

Title and Date:

and, in addition

The maintenance and monitoring plan includes provisions to repair the pavement at the Subject Area when necessary to maintain the elevation and topography that existed prior to any disturbance caused by natural occurrences (such as erosion and frost heaves).

**Option B – Allowable Limited Disturbance** or  **NA**  
*(Check all boxes.)*

The polluted soil rendered inaccessible at Subject Area [redacted] is at a depth of [redacted] below a paved surface and will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited at depths greater than [redacted] below the paved surface (“Allowable Limited Disturbance”).

and

The pavement at Subject Area [redacted] will be maintained in good condition in accordance with the maintenance and monitoring plan specified below.

Title and Date:

and, in addition

The maintenance and monitoring plan includes provisions to repair the pavement at the Subject Area when necessary to maintain the elevation and topography that existed prior to any Allowable Limited Disturbance or any disturbance by natural occurrences (such as erosion and frost heaves).

and/or

Declaration of Environmental Land Use Restriction and Grant of Easement

**Pursuant to RCSA Section 22a-133k-1(32):**

- 1)  The inaccessible soil is polluted soil which is polluted fill beneath a bituminous concrete or concrete surface comprised of a minimum of three (3) inches of bituminous concrete or concrete if such fill is (i) polluted in excess of applicable Direct Exposure Criteria only by semi-volatile substances or petroleum hydrocarbons that are normal constituents of bituminous concrete, (ii) polluted by metals in concentrations not in excess of two (2) times the applicable Direct Exposure Criteria, or (iii) any combination of the substances or limits identified in clause (i) or (ii).
- 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) for Option A and Option B, as applicable; enter Subject Area(s) designation.)*

- Option A – No Disturbance** or  **NA**  
*(Check all boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited below the paved surface (“No Disturbance”).

and

- The pavement at Subject Area [ ] will be maintained in good condition in accordance with the maintenance and monitoring plan specified below.

Title and Date:

and, in addition

- The maintenance and monitoring plan includes provisions to repair the pavement at the Subject Area when necessary to maintain the elevation and topography that existed prior to any disturbance caused by natural occurrences (such as erosion and frost heaves).

- Option B – Allowable Limited Disturbance** or  **NA**  
*(Check all boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] is at a depth of [ ] below a paved surface and will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited at depths greater than [ ] below the paved surface (“Allowable Limited Disturbance”).

and

- The pavement at Subject Area [ ] will be maintained in good condition in accordance with the maintenance and monitoring plan specified below.

Title and Date:

and, in addition

- The maintenance and monitoring plan includes provisions to repair the pavement at the Subject Area when necessary to maintain the elevation and topography that existed prior to any Allowable Limited Disturbance or any disturbance by natural occurrences (such as erosion and frost heaves)

and/or

Declaration of Environmental Land Use Restriction and Grant of Easement

**Pursuant to RCSA Section 22a-133k-1(32):**

- 2)  The inaccessible soil is polluted soil which is beneath an existing building.  
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) for Option A and Option B, as applicable; enter Subject Area(s) designation.)*

**Option A – No Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [redacted] will not be exposed as a result of excavation, demolition or other activities in accordance with RCSA Section 22a-133k-2(b)(3). The concrete building slab or foundation shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities (“No Disturbance”).

and

- The concrete building slab or foundation at Subject Area [redacted] will be repaired when necessary to maintain the conditions that existed prior to any disturbance caused by natural occurrences.

and, in addition

*(Check box that applies.)*

- Demolition of the **building at the Subject Area** is not permitted.

or

- Demolition of the **entire building** (including portions outside the Subject Area) is not permitted.

**Option B – Allowable Limited Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [redacted] is at a depth of [redacted] beneath the concrete building slab or foundation and will not be exposed as a result of excavation, demolition or other activities in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited at depths greater than [redacted] beneath the concrete building slab or foundation (“Allowable Limited Disturbance”).

and

- The concrete building slab or foundation at Subject Area [redacted] will be repaired when necessary to maintain the conditions that existed prior to any Allowable Limited Disturbance or any disturbance by natural occurrences.

and, in addition

*(Check box that applies.)*

- Demolition of the **building at the Subject Area** is not permitted.

or

- Demolition of the **entire building** (including portions outside the Subject Area) is not permitted.

and/or

Declaration of Environmental Land Use Restriction and Grant of Easement

**Pursuant to RCSA Section 22a-133k-1(32):**

- 3)  The inaccessible soil is polluted soil which is beneath an existing permanent structure provided written notice that such structure will be used to prevent human contact with such soil has been provided to the Commissioner.

**Description of permanent structure:**

**Date of notice submitted to Commissioner for use of permanent structure:**

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) for Option A and Option B as applicable; enter Subject Area(s) designation.)*

**Option A – No Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] will not be exposed as a result of excavation, demolition or other activities in accordance with RCSA Section 22a-133k-2(b)(3). The permanent structure shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities (“No Disturbance”).

and

- The permanent structure at Subject Area [ ] will be repaired when necessary to maintain the conditions that existed prior to any disturbance caused by natural occurrences.

and, in addition

*(Check box that applies.)*

- Demolition of the **permanent structure at the Subject Area** is not permitted.

or

- Demolition of the **entire permanent structure** (including portions outside the Subject Area) is not permitted.

**Option B – Allowable Limited Disturbance** or  **NA**  
*(Check applicable boxes.)*

- The polluted soil rendered inaccessible at Subject Area [ ] is at a depth of [ ] beneath the permanent structure and will not be exposed as a result of excavation, demolition or other activities in accordance with RCSA Section 22a-133k-2(b)(3).

Excavation, demolition or other activities are prohibited at depths greater than [ ] beneath the permanent structure (“Allowable Limited Disturbance”).

and

- The permanent structure at Subject Area [ ] will be repaired when necessary to maintain the conditions that existed prior to any Allowable Limited Disturbance or any disturbance by natural occurrences.

and, in addition

*(Check box that applies)*

- Demolition of the **permanent structure at the Subject Area** is not permitted.

or

- Demolition of the **entire permanent structure** (including portions outside the Subject Area) is not permitted.

Declaration of Environmental Land Use Restriction and Grant of Easement

**AND**

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

(At concentrations greater than the Direct Exposure Criteria for soil)

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

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

If humans were to come into contact with the substance(s) present in such polluted soil, these substance(s) may pose an unacceptable risk to human health.

Provided the soil is not exposed such that people may come in contact with it, such polluted soil does 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 applicable boxes; enter Subject Area(s) designation.)*

The Direct Exposure Criteria for substances other than polychlorinated biphenyls (PCBs) do not apply to inaccessible soil (as defined in RCSA Section 22a-133k-1(32)) at Subject Area [REDACTED].

and/or

The Direct Exposure Criteria for PCBs applied to inaccessible soil (as defined in RCSA Section 22a-133k-1(32)) at Subject Area [REDACTED] are:

*(Check applicable box(es).)*

An alternative criterion, as approved in accordance with Section 22a-133k-2(d)(7); or

Ten (10) ppm PCBs by weight; or

Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an other restricted access location, as defined in 40 Code of Federal Regulations Part 761.123 (40 CFR 761.123); or

Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation, as defined in 40 CFR 761.123; or

Fifty (50) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation, as defined in 40 CFR 761.123, and a label or notice is visibly placed in the area in accordance with 40 CFR Part 761.

and

Such soils will not be exposed as a result of excavation, demolition or other activities and any pavement which is necessary to render such soil inaccessible is maintained in good condition in accordance with RCSA Section 22a-133k-2(b)(3).

## Exhibit B. Decision Document

### Exposure of Inaccessible Soil Restriction Form \*

#### Supplemental Information

**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):**

- ✓ Insert electronic copies of tables and figures below.
- ✓ If applicable, insert electronic copy of EPA's approval of the PCBs Notification pursuant to 40 CFR Part 761.61 below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## 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.<sup>1</sup>

**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

<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

**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:

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

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 [redacted] 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.)*

**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 . [redacted]

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:

## Exhibit B. Decision Document

### Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction Form \*

#### 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):**

- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### **Disturbance of Engineered Control and Polluted Soil Restriction Form**

In accordance with Section 22a-133k-2(f)(2)(A) of the Regulations of Connecticut State Agencies (RCSA) **(Variances – Engineered Control of Polluted Soils)**, if certain conditions at a subject release area exist or are met, the requirements of RCSA Sections 22a-133k-2(a) through 22a-133k-2(e) **(the Standards for Soil Remediation) do not apply** provided that an Engineered Control of polluted soils is implemented pursuant to RCSA Section 22a-133k-2(f)(2)(B) and RCSA Section 22a-133k-2(f)(2)(C).<sup>1</sup>

RCSA Section 22a-133k-2(f)(2)(B): A request to use an Engineered Control shall be submitted to the Commissioner and shall be accompanied by a detailed report and plan which demonstrates that, among other things, an Environmental Land Use Restriction is or will be in effect with respect to the Property at which the subject release area is located, which restriction ensures that such Property will not be used in a manner that could disturb the Engineered Control or the polluted soil;

and

RCSA Section 22a-133k-2(f)(2)(C): When the Commissioner approves a request to use an Engineered Control, he may require that such control incorporate any measures deemed necessary to protect human health and the environment and any person implementing an Engineered Control shall perform all actions specified in the approved proposal including the recordation of the Environmental Land Use Restriction and posting of the mechanism for financial assurance.

#### **Purpose:**

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure such Property at which the subject release area is located will not be used in a manner that could disturb the Engineered Control or the polluted soil, as defined in Section 22a-133k-1(16) of the RCSA, at the Subject Area(s) ("Subject Area") designated below. The Engineered Control description is attached hereto as part of the Restriction Form.

***Check the applicable box(es) to identify if the Engineered Control is to address exceedances of the Direct Exposure Criteria for soil only or if the Engineered Control is to address exceedances of both the Direct Exposure Criteria and the Pollutant Mobility Criteria for soil, or "NA" (not applicable), as follows:***

<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

**Restrictions Applicable to the Subject Area:**

1)  Engineered Control designed to address exceedances of Direct Exposure Criteria for soil only.

or

NA

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; enter Subject Area(s) designation.)*

With respect to the Property at which the subject release area is located, the Property will not be used in a manner that could disturb the Engineered Control at Subject Area [redacted] or the polluted soil in accordance with RCSA Section 22a-133k-2(f)(2)(B).

or

**Restrictions Applicable to the Subject Area:**

2)  Engineered Control designed to address exceedances of Direct Exposure Criteria and Pollutant Mobility for soil.

or

NA

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; enter Subject Area(s) designation.)*

With respect to the Property at which the subject release area is located, the Property will not be used in a manner that could disturb the Engineered Control at Subject Area [redacted] or the polluted soil in accordance with RCSA Section 22a-133k-2(f)(2)(B).

**AND**

Declaration of Environmental Land Use Restriction and Grant of Easement

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

(At concentrations greater than the Direct Exposure Criteria for soil, or greater than the Direct Exposure Criteria for soil and the Pollutant Mobility Criteria for soil)

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

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

If humans were to come into contact with the substance(s) present in such polluted soil, these substance(s) may pose an unacceptable risk to human health.

The polluted soil does not pose a risk to human health, provided the Engineered Control or the polluted soil is not disturbed such that people may come into contact with such polluted soil.

When the Engineered Control also addresses exceedances of the Pollutant Mobility Criteria for soil, if the Engineered Control or the polluted soil are disturbed such that the polluted soil is exposed to the infiltration of water, such polluted soil may pose an unacceptable risk to groundwater quality.

Such polluted soil does not pose a risk to groundwater quality provided the Engineered Control or the polluted soil is not disturbed and exposed to infiltration of water.

**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 all boxes; enter Subject Area(s) designation and document title and date.)*

The Commissioner of the Department of Energy & Environmental Protection has approved a request to use an Engineered Control at Subject Area [redacted] in accordance with 22a-133k-2(f)(2)(C). Pursuant to RCSA Section 22a-133k-2(f)(2)(A), the requirements of RCSA Section 22a-133k-2(a) through 22a-13k-2(e) (**Soil Remediation Standards**) do not apply.

Date of Commissioner's conditional approval of the Engineered Control Application:

Pursuant to the Commissioner's conditional approval and RSRs 22a-133k-2-(f)(2)(B)(viii):

The requirements for maintenance and monitoring of the Engineered Control are specified in the plan below, as approved by the Connecticut Department of Energy & Environmental Protection.

Title and Date:

and

A Description of the Engineered Control (As-Built) is attached.

Date the mechanism for financial assurance submitted to the Department:

The latest Annual Report including current status of financial assurance and the most recent Inspection and Maintenance Report has been submitted to the Connecticut Department of Energy & Environmental Protection.

Title and Date:

and

With respect to the Property at which the subject release area is located, the Property will not be used in a manner that could disturb the Engineered Control or the polluted soil in accordance with RCSA Section 22a-133k-2(f)(2)(B).

## Exhibit B. Decision Document

### Disturbance of Engineered Control and Polluted Soil Restriction Form \*

#### Supplemental Information

**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):**

- ✓ Insert electronic copy of Commissioner's conditional approval of the Engineered Control Application below.
- ✓ Insert electronic copy of the Description of the Engineered Control (As-Built) below. This **will be included in the final ELUR** package.
- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copy of the mechanism for financial assurance.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### Residential Activity Restriction - Groundwater Form

In accordance with Section 22a-133k-3(c)(2) of the Regulations of Connecticut State Agencies (RCSA) if groundwater polluted with a volatile organic substance is below a building used solely for industrial or commercial activity, such groundwater shall be remediated to a concentration equal to or less than the applicable Industrial/Commercial Volatilization Criterion for groundwater, provided that an Environmental Land Use Restriction is in effect with respect to the Property or portion thereof upon which such building is located, which ensures that the Property or portion thereof will not be used for any residential purpose in the future and that any future use is limited to 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 will not be 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 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:

*(Check box.)*

No residential activity is permitted in accordance with RCSA Section 22a-133k-3(c)(2).

At Subject Area:

*(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 Volatilization Criteria for Groundwater and less than the Industrial/Commercial Volatilization Criteria for Groundwater)

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

**AND**

<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

**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 groundwater 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)*

Groundwater polluted with a volatile organic substance below a building used solely for industrial or commercial activity is remediated such that the concentration of such substance is equal to or less than the applicable Industrial/Commercial Volatilization Criterion for groundwater, as defined in RCSA Section 22a-133k-1(35), in accordance with RCSA Section 22a-133k-3(c)(2).

and

The ELUR prohibits the use of Subject Area [redacted] for residential activities in accordance with RCSA Section 22a-133k-3(c)(2). Any future use of Subject Area [redacted], upon which such building is located, is limited to an industrial or commercial activity.

## Exhibit B. Decision Document

### Residential Activity Restriction - Groundwater Form \*

#### Supplemental Information

**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):**

- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### **Residential Activity Restriction – Soil Vapor Form**

In accordance with Section 22a-133k-3(c)(3)(A) of the Regulations of Connecticut State Agencies (RCSA), remediation of a volatile organic substance to **the Volatilization Criterion for groundwater shall not be required** if the concentration of such substance in soil vapors below a building is equal to or less than the Industrial/Commercial Volatilization Criterion for soil vapor, if such building is solely used for industrial or commercial activity and, an Environmental Land Use Restriction is in effect with respect to the Property or portion thereof upon which such building is located, which ensures that the Property or portion thereof will not be used for any residential purpose in the future and that any future use is limited to 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 will not be 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 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:

*(Check box.)*

No residential activity is permitted in accordance with RCSA Section 22a-133k-3(c)(3)(A).

At Subject Area:

*(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 Volatilization Criteria for soil vapor and less than the Industrial/Commercial Volatilization Criteria for soil vapor)

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

<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 vapor 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)*

Remediation of groundwater polluted with a volatile organic substance to the Volatilization Criterion for groundwater is not required if the concentration of such substance in soil vapor below a building used solely for industrial or commercial activity is equal to or less than the Industrial/Commercial Volatilization Criterion for soil vapor, as defined in RCSA Section 22a-133k-1(35), in accordance with RCSA Section 22a-133k-3(c)(3)(A).

and

The ELUR prohibits the use of Subject Area [redacted] for residential activities in accordance with RCSA Section 22a-133k-3(c)(3)(A). Any future use of Subject Area [redacted], upon which such building is located, is limited to an industrial or commercial activity.

## Exhibit B. Decision Document

### Residential Activity Restriction – Soil Vapor Form \*

#### Supplemental Information

**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):**

- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit B. Decision Document

### **Building Construction Restriction Form**

In accordance with Section 22a-133k-3(c)(5)(A) of the Regulations of Connecticut State Agencies (RCSA), **the Volatilization Criteria do not apply to groundwater** polluted with volatile organic substances, where the water table is less than fifteen (15) feet below the ground surface, if no building exists over the groundwater polluted with volatile organic substances at a concentration above the applicable Volatilization Criteria, and it has been documented that best efforts have been made to ensure that each owner of any property or portion thereof overlying such polluted groundwater records an Environmental Land Use Restriction which ensures that no building is constructed over such polluted groundwater.<sup>1</sup>

#### **Purpose:**

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure that no building is constructed over groundwater at the Subject Area(s) ("Subject Area") designated below polluted with volatile organic substances in concentrations exceeding the Volatilization Criteria for groundwater, as defined in Section 22a-133k-1(75) of the Regulations of Connecticut State Agencies (RCSA).

#### **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.)*

Construction of buildings at the Subject Area is not permitted in accordance with RCSA Section 22a-133k-3(c)(5)(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 Volatilization Criteria for groundwater)

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

<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 buildings are constructed at the Subject Area, the volatilization of volatile organic substances from the polluted groundwater may pose an unacceptable risk to human health.

Such polluted groundwater does not pose an unacceptable risk to human health, provided that a building is not constructed at the Subject Area.

**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 box; enter Subject Area(s) designation.)*

Construction of buildings at Subject Area [ ] is prohibited, in accordance with RCSA Section 22a-133k-3(c)(5)(A).

## Exhibit B. Decision Document

### Building Construction Restriction Form \*

#### Supplemental Information

If the Building Construction Restriction 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), where building construction is prohibited, will be identifiable in the field. The Subject Area should be easily identifiable to prevent construction of buildings which otherwise would not be restricted on the remainder of the Property.

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):

.

- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package

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

## Exhibit B. Decision Document

### Groundwater Use Restriction Form

In accordance with Section 22a-133k-3(e)(2)(C) of the Regulations of Connecticut State Agencies (RCSA), if the Commissioner grants a **variance pursuant to RCSA Section 22a-133k-3(e)(2) (Technical Impracticability of Groundwater Remediation) from any Groundwater Protection Criterion**, the person receiving the variance shall submit to the Commissioner, among other requirements, certification that best efforts have been made to ensure that each owner of property overlying the subject groundwater plume records an Environmental Land Use Restriction which ensures that the subject groundwater plume is not used for drinking or other domestic purposes.<sup>1</sup>

#### Purpose:

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure that the groundwater plume at the Subject Area(s) ("Subject Area") designated below is not utilized for drinking or other domestic purposes.

#### 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.)*

- The groundwater plume is not used for drinking or other domestic purposes in accordance with RCSA Section 22a-133k-3(e)(2)(C).

*(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 of the Property.

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

(At concentrations greater than the Groundwater Protection Criteria )

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

<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 groundwater plume is used for drinking, or other domestic purposes, such polluted groundwater may pose an unacceptable risk to human health.

Provided the subject groundwater plume is not used for drinking, or other domestic purposes, such polluted groundwater plume does 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.)*

- The Commissioner of the Department of Energy & Environmental Protection has granted a variance from any Groundwater Protection Criteria due to technical impracticability of groundwater remediation pursuant to RCSA 22a-133k-3(e)(2).

Date of Commissioner's approval of the variance due to Technical Impracticability of Groundwater Remediation.

and

- The subject groundwater plume at Subject Area [redacted] is not used for drinking or other domestic purposes in accordance with RCSA Section 22a-133k-3(e)(2)(C).

## Exhibit B. Decision Document

### Groundwater Use Restriction Form \*

#### Supplemental Information

**If the Groundwater Use Restriction 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), where groundwater use will be restricted, which otherwise would not be restricted on the remainder of the Property, will be located in the field. For example, “the Subject Area, or groundwater plume, is depicted on the A-2 Survey. In the event that a well is proposed to be constructed outside but in the vicinity of the Subject Area in the future, the existence and location of the groundwater plume will be recognized by the environmental professional during the permitting process.”

**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):**

- ✓ Insert electronic copy of Commissioner’s approval of the variance due to Technical Impracticability of Groundwater Remediation below.
- ✓ Insert electronic copies of tables and figures below.
- ✓ Insert electronic copies of **extra Forms** as needed (found on the [Environmental Land Use Restrictions](#) webpage). These **will be included in the final ELUR** package.

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

## Exhibit C. ELUR Class A-2 Survey

Insert electronic copy of the draft ELUR Class A-2 Survey below. \*

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

## Section E. Signatory Responsibility and Ownership Form

### Part I. Property Information – Physical Location

Property/ Facility Name:		
Other Name(s):		
Address:		
City/Town:	State: CT	Zip Code:
County:		
Remediation Division Site Identification Number (REM ID#):		

### Part II. Property Owner Information

Name of Property Owner:		
Name of Primary Contact for Owner:		
E-mail Address:		
Mailing Address:		
City/Town:	State:	Zip Code:
Business Phone:	Ext.:	Fax:
CT Secretary of State Business ID# (as given in <a href="#">CONCORD</a> ):		

### Part III. Applicant Type and Duly Designated Agent

*(Check box that applies.)*

Applicant Type:	ELUR Documents Signed by:
<input type="checkbox"/> Individual or Sole Proprietorship	The individual or proprietor or other duly designated agent
<input type="checkbox"/> Corporation	Duly designated agent of the Corporation
<input type="checkbox"/> Limited Partnership	A general partner or other duly designated agent
<input type="checkbox"/> Municipality	A person authorized by charter or resolution of the board of selectmen or town council or other governing body
<input type="checkbox"/> State or Federal Entity	A statutorily authorized official, duly authorized state employee, or 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"/> Limited Liability Company	Duly designated agent
<input type="checkbox"/> Statutory Trust	Duly designated agent
<input type="checkbox"/> Other Entity Type Not Listed Above Specify Type:	Duly designated agent

#### Part IV. Duly Designated Agent

*If there is more than one duly designated agent, the information below should be entered for each. The next page is not locked, and the Duly Designated Agent information block can be copied and pasted as needed.*

Title:		
E-mail Address:		
Mailing Address:		
City/Town:	State:	Zip Code:
Business Phone:	Ext.:	Fax:
Effective Date of Authorization:		
<input type="checkbox"/> The designated agent is currently duly authorized to: 1) transfer an interest in real estate for the Property identified in Section A, Part I of this ELUR Application, and 2) sign the ELUR on behalf of the Property Owner identified in Section A, Part II of this ELUR Application.		
Is this person <b>replacing</b> a previously designated agent? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, list the name(s) of the previous designee(s):		
Is this person <b>in addition</b> to a previously designated agent? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, list the name(s) of the additional designee(s):		

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**Part IV. Duly Designated Agent (continued) \***

*The page is not locked, and the Duly Designated Agent information block can be copied and pasted as needed.*

Title:		
E-mail Address:		
Mailing Address:		
City/Town:	State:	Zip Code:
Business Phone:	Ext.:	Fax:
Effective Date of Authorization:		
Y/N The designated agent is currently duly authorized to: 1) transfer an interest in real estate for the Property identified in Section A, Part I of this ELUR Application, and 2) sign the ELUR on behalf of the Property Owner identified in Section A, Part II of this ELUR Application.		
Is this person <b>replacing</b> a previously designated agent? Y/N		
If yes, list the name(s) of the previous designee(s):		
Is this person <b>in addition</b> to a previously designated agent? Y/N		
If yes, list the name(s) of the additional designee(s):		

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\*  This section is not locked; copy and paste Part IV. as needed.

## Part V. Supporting Documents

### All Entities must include:

(Check box.)

- |                                       |  |
|---------------------------------------|--|
| <input type="checkbox"/> Attachment A | A copy of the current deed that shows that the Grantor is the owner of the Property which is the subject of the proposed ELUR and the volume and page of the municipal land records where such deed is recorded. |
|---------------------------------------|--|

### AND unless the Property is owned by an individual, all Entities must also include one of the following:

(Check box that applies.)

Corporation:	
<input type="checkbox"/> Attachment B	Certified resolution of the Board of Directors or other appropriate documentation.
Limited Partnership:	
<input type="checkbox"/> Attachment B	Certified resolution of the Partnership or other appropriate documentation.
Municipality:	
<input type="checkbox"/> Attachment B	Certified copy of a Governing Body Resolution or other appropriate documentation.
State or Federal Entity:	
<input type="checkbox"/> Attachment B	Copy of the statute or regulation authorizing the representative, certified copy of the delegation of authority for the representative or other appropriate documentation.
Other Governmental or Quasi-Public Entity:	
<input type="checkbox"/> Attachment B	Describe Documentation
Limited Liability Company:	
<input type="checkbox"/> Attachment B	Certified resolution of the Board of Directors or other appropriate documentation.
Statutory Trust:	
<input type="checkbox"/> Attachment B	Describe Documentation
Other Entity Described in Section D, Part III above:	
<input type="checkbox"/> Attachment B	Describe Documentation

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## Attachment A

### Copy of Current Deed \*

- ✓ Insert electronic copy of current deed below.

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

## Attachment B

### Copy of Document(s) which Demonstrates the Duly Designated Agent is Authorized to Sign On Behalf of the Grantor \*

✓ Insert electronic copy of signed document(s) below.

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

## Section F. Subordination Agreements and Waiver Requests Form – Analysis of Land Title, A-2 Survey and Property Owner Affidavit

### Part I. Preparer Information

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

### Part II. Title Search Information

Date of title search:
Title search prepared by (name and address):
<input type="checkbox"/> A copy of the title search is attached as <b>Attachment C</b> .
Number of items listed in the search:
<input type="checkbox"/> All items in the title search are listed in Part V below.

### Part III. Optional Preliminary Certificate of Title

*(Check applicable box.)*

<input type="checkbox"/> A preliminary certificate of title is attached as <b>Attachment D</b> .
or
<input type="checkbox"/> Not applicable.

## Part IV. Supporting Information

(Check applicable boxes.)

- Electronic copies of deeds and maps - **ONLY for those that a subordination agreement waiver is requested** - are attached as **Attachment E**.

and, if applicable

- Electronic copies of subordination agreement(s) are attached as **Attachment E** (if obtained by the time the Application is submitted).

and

- Electronic copy of the draft Property Owner Affidavit is attached as **Attachment F**.

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## Attachment C

### Copy of Title Search \*

✓ Insert electronic copy of title search below.

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

## Attachment D

### Copy of Optional Preliminary Certificate of Title \*

- ✓ Insert electronic copy of optional preliminary certificate of title (if applicable) below.

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

## Attachment E

### Copies of Deeds and Maps

#### Copies of Subordination Agreements (as applicable) \*

- ✓ Insert electronic copies of deeds and maps below – **ONLY for those that a subordination agreement waiver is requested.**
- ✓ Insert electronic copies of signed subordination agreements below - if obtained at the time the Application is submitted.

**Note:** The subordination agreements must be signed and included with the ELUR when it is recorded.

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

## Attachment F

### Copy of Property Owner Affidavit \*

- ✓ Insert electronic copy of draft, unsigned Property Owner Affidavit (found on the [Environmental Land Use Restrictions](#) webpage) below. The final Affidavit will be signed at the time the Grantor signs the Declaration Document.

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

**Part V. Land Title Analysis (Table 1) AND A-2 Survey Analysis and Property Owner Affidavit Analysis (Table 2) \***

***This section is currently not locked to allow the applicant to copy and insert more rows as needed. Since the page is unprotected, the check boxes will not be filled when clicked on. For each response, please delete the check box and enter an X in its place.***

**Note:** These tables have been designed in landscape orientation. If you view the tables in Print-Preview, or print, and the page appears to be cut-off, ensure that the printer properties of the default printer selected is set at landscape and paper size is set to 8 ½" x 14" (Legal).

**Table 1. Land Title Analysis\***

There were no items found on the title search or Optional Preliminary Certificate of Title.

or

The following items were found on the title search or the Optional Preliminary Certificate of Title.

Title Exception #	Volume/Page	Description	Interest in Land Analysis
			<p>Is this an interest in Land?</p> <p><input type="checkbox"/> YES <span style="margin-left: 100px;"><input type="checkbox"/> YES</span> <span style="margin-left: 100px;"><input type="checkbox"/> YES</span></p> <p><input type="checkbox"/> NO <span style="margin-left: 100px;"><input type="checkbox"/> NO</span> <span style="margin-left: 100px;"><input type="checkbox"/> NO</span></p> <p>Will the interest be released?</p> <p>Will a subordination be obtained?</p> <p><input type="checkbox"/> YES If obtained, attach to Application.</p> <p><input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>
			<p>Is this an interest in Land?</p> <p><input type="checkbox"/> YES <span style="margin-left: 100px;"><input type="checkbox"/> YES</span> <span style="margin-left: 100px;"><input type="checkbox"/> YES</span></p> <p><input type="checkbox"/> NO <span style="margin-left: 100px;"><input type="checkbox"/> NO</span> <span style="margin-left: 100px;"><input type="checkbox"/> NO</span></p> <p>Will the interest be released?</p> <p>Will a subordination be obtained?</p> <p><input type="checkbox"/> YES If obtained, attach to Application.</p> <p><input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>

\*  This section is not locked.

Title Exception #	Volume/Page	Description	Interest in Land Analysis
			<p>Is this an interest in Land?  Will the interest be released?  Will a subordination be obtained?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>
			<p>Is this an interest in Land?  Will the interest be released?  Will a subordination be obtained?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>
			<p>Is this an interest in Land?  Will the interest be released?  Will a subordination be obtained?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>
			<p>Is this an interest in Land?  Will the interest be released?  Will a subordination be obtained?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/></p> <p><input type="checkbox"/> Other: <input type="text"/></p>

***This section is currently not locked to allow the applicant to copy and insert more rows as needed. Since the page is unprotected, the check boxes will not be filled when clicked on. For each response, please delete the check box and enter an X in its place.***

**Note:** These tables have been designed in landscape orientation. If you view the tables in Print-Preview, or print, and the page appears to be cut-off, ensure that the printer properties of the default printer selected is set at landscape and paper size is set to 8 ½" x 14" (Legal).

**Table 2. ELUR Class A-2 Survey/Property Owner Affidavit Analysis \***

Upon further evaluation, there are no potential interests affecting the Property.

or

The following were identified as potential interests affecting the Property:

Item	Description	Location of Item	ELUR Impact Analysis
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:		<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	<p>Will the Item Affect the ELUR? </p> <input type="checkbox"/> Yes  <input type="checkbox"/> No, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS—notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:		<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	<p>Will the Item Affect the ELUR? </p> <input type="checkbox"/> Yes  <input type="checkbox"/> No, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS—notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:

\*  This section is not locked.

Item	Description	Location of Item	ELUR Impact Analysis	
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:		<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	Will the Item Affect the ELUR? <input type="checkbox"/> Yes  <input type="checkbox"/> No, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS—notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	A subordination will be obtained: <input type="checkbox"/> Yes If obtained, attach to Application. <input type="checkbox"/> No, explain: <input type="text"/>
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:		<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	Will the Item Affect the ELUR? <input type="checkbox"/> Yes  <input type="checkbox"/> No, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS—notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	A subordination will be obtained: <input type="checkbox"/> Yes If obtained, attach to Application. <input type="checkbox"/> No, explain: <input type="text"/>
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:		<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	Will the Item Affect the ELUR? <input type="checkbox"/> Yes  <input type="checkbox"/> No, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS—notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	A subordination will be obtained: <input type="checkbox"/> Yes If obtained, attach to Application. <input type="checkbox"/> No, explain: <input type="text"/>

## Section G. Certification of Completeness of ELUR Application Form

All of the following documents can be found on the [Environmental Land Use Restrictions](#) webpage. \*

- ✓ Insert electronic copy of signed Property Owner Certification below.
- ✓ Insert electronic copy of signed Preparer Certification for all Sections (except Section F) below.
- ✓ Insert electronic copy of signed Preparer Certification for Section F below.
- ✓ Insert electronic copy of signed Optional Statement by Licensed Environmental Professional Form below.

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

## Section H. Submittal Addresses and Other Important Contact Information

Please submit the completed Application to:

In electronic form – Submit to a State of Connecticut Secure File Transfer website which has been developed exclusively for this purpose.

To mail the Application, follow the link --- <https://sfile.ct.gov>

Enter Username: deepelurup

Enter Password: Deepelur13

Select the **ELUR Application** folder 

Click on **Browse** to select your file

Click on **Upload File**

Once uploaded, the document is protected and cannot be removed.

If for any reason you would like to delete the submittal, let us know by contacting [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov).

### Sign Out

Please simultaneously submit an e-mail to [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) (RE: Property/Facility Name, Address) advising that the Application has been submitted. An automated response will be immediately generated to confirm the Department's receipt.

### OR

In paper copy form -

### Connecticut Department of Energy & Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

**Attention: New Proposed ELUR Application**

Please submit all correspondence regarding specific ELUR applications and general ELUR questions to:

[DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) (RE: Property/Facility Name and Address).



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