**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.[[1]](#footnote-1)

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

**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** [[2]](#footnote-2)🞺

**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):**

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

* Insert electronic copies of tables and figures below.

1. For a complete description of the rationale for the restriction, see the referenced regulatory citation. [↑](#footnote-ref-1)
2. 🞺 **** This section is not locked; insert document(s) as applicable. [↑](#footnote-ref-2)