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

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

**AND**

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

**Exhibit B. Decision Document**

***Residential Activity Restriction – Soil Vapor* Form** [[2]](#footnote-2)🞺

**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):**

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)