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

|  |
| --- |
| **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 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.)  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 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       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** [[2]](#footnote-2)🞺

**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):**

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

* 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.

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)