**Exhibit B. EUR Opinion**

## Technical Impracticability Variance Restriction and Obligation

In accordance with RCSA section 22a-133k-3(e), the Commissioner may approve a variance for polluted groundwater from compliance with the surface water protection criteria as defined in RCSA section 22a-133k-1(a)(89) or the groundwater protection criteria as defined in RCSA section 22a-133k-1(a)(33) if the Commissioner determines compliance with such criteria is technically impracticable. In accordance with RCSA section 22a-133k-3(e)(2), the Commissioner may require an that an ELUR is in effect for the Subject Area.

|  |
| --- |
| **Restrictions and Obligations Applicable to the Subject Area** |
| In accordance with RCSA section 22a-133k-3(e)(2)(E) the Grantor shall ensure that use, occupancy, and activity at Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:The requirements of the contingency plan, if applicable, as required by section 22a-133k-3(e)(1)(A)(viii):*List requirements*; The following measures identified as required by RSCA section 22a-133k-3(e)(1)(A)(ix): *List measures*;Additional conditions deemed appropriate by the Commissioner, pursuant to RSCA section 22a-133k-3(e)(1)(B), if applicable: *List conditions*;A report shall be prepared each time the Five-Year Comprehensive Inspections, required by RCSA 22a-133q-8(a)(2) is performed, which reviews the implementation and effectiveness of the Technical Impracticability Variance. Such reports shall be maintained by the parcel owner and provided to the Commissioner upon request; andGroundwater shall not be used for drinking or other purposes and the withdrawal of groundwater is prohibited unless withdrawal of groundwater has been approved in writing by the Commissioner.**Subject Area *Subject Area*** is the TI zone as depicted on Exhibit C. ELUR Survey, and further described in Exhibit A. Property Description (Metes and Bounds). |
| **Type of Substances at the Subject Area** |
| **Surface Water Protection Criteria***Enter substance by type or category for Subject Area***Groundwater Protection Criteria***Enter substance by type or category for Subject Area* |
| **How Compliance with the Restrictions and Obligations Will Ensure Future Compliance with the RSRs at the Subject Area** |
| Compliance with the restrictions and obligations are necessary to adequately protect human health and the environment.Provided the requirements of the contingency plan (if applicable); the long-term monitoring, operation, maintenance, and reporting measures; and the conditions of approval imposed by the Commissioner are complied with, as required by the ELUR, such polluted groundwater does not pose a risk to human health and the environment. **For TI Variance from compliance with the groundwater protection criteria:**If the groundwater is used for drinking, or other domestic purposes, or withdrawn for a use not approved by the Commissioner as prohibited by the ELUR, polluted groundwater may pose an unacceptable risk to human health or the environment. Provided the groundwater is not used for drinking, or other domestic purposes, or withdrawn without the Commissioner’s approval, polluted groundwater does not pose an unacceptable risk to human health or the environment.  |
| **Reasons Why the Restrictions and Obligations Chosen are Appropriate for the Conditions Present at the Subject Area** |
| The restriction or limitation and obligations are consistent with the RSRs because:The current condition of the Subject Area is in compliance with the restrictions and obligations of this ELUR and the conditions deemed appropriate by the Commissioner pursuant to RSCA section 22a-133k-3(e)(1)(B), if applicable, dated: *Date of Commissioner conditions* |