**Exhibit B. EUR Opinion**

## Engineered Control Variance –

## Commissioner Approval Restriction and Obligation

In accordance with RCSA section 22a-133k-2(f)(2)(C), a release area may be eligible for a Commissioner approved engineered control variance from compliance with the applicable direct exposure criteria defined in RCSA section 22a-133k-1(a)(15), the applicable pollutant mobility criteria defined in RCSA section 22a-133k-1(a)(62), or both the direct exposure criteria and pollutant mobility criteria provided an EUR is in effect for the Subject Area. This restriction is in the form of a NAUL.

In accordance with CGS section 22a-133o a NAUL may be used to prevent disturbance of an engineered control to the extent such engineered control provided pollutant concentrations in such soil do not exceed ten times the applicable direct exposure criteria.

A description of the engineered control design and as-built drawings are attached hereto.

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| **Restrictions and Obligations Applicable to the Subject Area:**  Engineered control variance from compliance with the direct exposure criteria at **Subject Area**  ***Subject Area***  Engineered control variance from compliance with the pollutant mobility criteria at **Subject Area**  ***Subject Area*** |
| In accordance with RCSA sections 22a-133k-2(f)(2)(C), 22a-133k-2(f)(2)(D), and 22a-133k-2(f)(2)(E) the owner shall ensure that use, occupancy, and activity of and at Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this EUR are restricted and obligations complied with as follows:  Any activity which could disturb either the engineered control or the polluted soil beneath the engineered control is prohibited;  The engineered control shall be maintained in the condition described in the attached engineered control description. If applicable, the engineered control shall be maintained to physically isolate polluted soil from human contact and to minimize migration of liquids through polluted soil;  In accordance with RCSA section 22a-133k-2(f)(2)(C), measures shall be in place to ensure the structural integrity, function, and effectiveness of the engineered control will be maintained, including but not limited to:  *List measures*; and  Repairs to correct the effects of any settling, subsidence, erosion or other damaging events or conditions shall be made no later than sixty (60) days following identification of damage to the engineered control provided, if weather prevents repairs from being made within sixty (60) days of the identification of damage, as long as temporary repairs or measures have been taken, repairs can be made as soon as the weather permits;  If applicable, the following additional measures included in the Commissioner’s conditional approval of the Engineered Control Variance shall be complied with: *List additional measures* |
| **Activities Permitted and Activities and Uses Inconsistent with Maintaining Compliance with the NAUL** |
| **Activities permitted:**  Which do not violate the restrictions and obligations of the NAUL;  Do not disturb either the engineered control or the polluted soil; and  Activities and inspections included in the attached monitoring and maintenance plan.  **Activities and Uses Inconsistent with Maintaining Compliance with the NAUL:**  Which violate the restrictions and obligations of the NAUL;  Disturb either the engineered control or the polluted soil; and  Activities not included in the attached monitoring and maintenance plan. |

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| **Type of Substances at the Subject Area** |
| *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**.**  If humans were to come into contact with the substance(s) present in such polluted soil beneath the engineered control, 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 is maintained and the polluted soil is not disturbed such that people may come into contact with such polluted soil. The EUR prohibits any activity which could disturb either the engineered control or the polluted soil.  When the engineered control addresses exceedances of the pollutant mobility criteria for soil, if the engineered control or the polluted soil beneath the engineered control are disturbed such that the polluted soil is exposed to the infiltration of liquid, 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 liquid. The EUR prohibits any activity which could disturb either the engineered control or the polluted soil and requires that the engineered control be maintained to minimize the migration of liquid through polluted soil.  If the activities to ensure the structural integrity, function, and effectiveness of the engineered control are not conducted, the polluted soil beneath the engineered control may pose a risk to human health and if applicable, groundwater quality. The polluted soil does not pose a risk to human and health and if applicable, groundwater quality, provided the engineered control is maintained in accordance with the approved monitoring and maintenance plan. The EUR requires that the activities in the approved monitoring and maintenance plan be conducted according to the schedule described in the plan, and if applicable, the additional measures included in the Commissioner’s approval.  The NAUL is consistent with CGS section 22a-133o because concentrations of pollutants in soil do not exceed ten times the applicable direct exposure criteria. |
| **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 and engineered control is in compliance with the restrictions and obligations of this EUR, the requirements of RCSA sections 22a-133k-2(f)(2)(C), 22a-133k-2(f)(2)(D), and 22a-133k-2(f)(2)(E), the approved monitoring and maintenance plan and if applicable, the additional measures included in the Commissioner’s approval.  The Commissioner of the Department of Energy and Environmental Protection has approved a variance from compliance with the direct exposure criteria and, if applicable, the pollutant mobility criteria to use an Engineered Control at the Subject Area in accordance with RCSA section 22a-133k-2(f)(2)(C).  Date of Commissioner’s approval: *Choose date*  In accordance with RCSA section 22a-133k-2(f)(2)(D), a Final Engineered Control Completion Statement was submitted to the Commissioner on *Choose date* to demonstrate that the engineered control complies with the requirements of RCSA section 22a-133k-2(f)(2). |

## Attachment:

## Engineered Control Variance – Commissioner’s Approval

## Engineered Control Design Description

## Attachment:

## Engineered Control Variance – Commissioner’s Approval

## As-built drawings