Exhibit B. EUR Opinion

## Inaccessible Soil and Residential Activity (PCBs) Restriction and Obligation

In accordance with RCSA section 22a-133k-2(b)(4), inaccessible soil, as defined in RCSA section 22a-133k-1(a)(39) at a release area containing PCBs that is less than fifteen feet below the ground surface is not required to be remediated to the applicable direct exposure criteria provided an ELUR is in effect for the Subject Area.

|  |
| --- |
| **Pursuant to RCSA Section 22a-133k-1(a)(39):**  The inaccessible soil is polluted soil which is more than four (4) feet below the ground surface.  or  NA |
| **Restrictions and Obligations Applicable to the Subject Area** |
| In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at the Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:  **Option A – No Disturbance or  NA**  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * Excavation, demolition or other intrusive activities are prohibited below the ground surface; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * Soil used to render polluted soil inaccessible shall be maintained and immediately replaced, as needed to maintain the four feet of soil cover and topography of the ground surface; * Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |
| **Option B – Limited Disturbance or  NA**  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * The polluted soil rendered inaccessible at is at a depth of ***Enter Depth*** feet below the ground surface; * Excavation, demolition or other intrusive activities are prohibited at depths greater than ***Enter Depth*** feet below the ground surface; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * Soil used to render polluted soil inaccessible shall be maintained and immediately replaced, as needed to maintain the four feet of cover and topography of the ground surface; * Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited |

|  |
| --- |
| **Pursuant to RCSA Section 22a-133k-1(39):**  The inaccessible soil is polluted soil which is more than two (2) feet below a paved ground surface comprised of bituminous concrete that, at a minimum, is three (3) inches thick, or reinforced concrete that, at a minimum, is four (4) inches thick.  or  NA |
| **Restrictions and Obligations Applicable to the Subject Area** |
| In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:  **Option A – No Disturbance or  NA**  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * Excavation, demolition or other intrusive activities are prohibited below the ground surface; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition, free of gaps or cracks that could expose such soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |
| **Option B –Limited Disturbance or  NA**  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * The polluted soil rendered inaccessible is at a depth of ***Enter Depth*** feet below the paved surface; * Excavation, demolition or other intrusive activities are prohibited at depths greater than ***Enter Depth*** feet below the paved surface; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition, free of gaps or cracks that could expose such soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |

|  |
| --- |
| **Pursuant to RCSA Section 22a-133k-1(39):**  The inaccessible soil is polluted soil which is beneath a building.  or  NA |
| **Restrictions and Obligations Applicable to the Subject Area** |
| In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:  **Option A – No Disturbance or**  **NA**  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * Excavation, demolition or other intrusive activities are prohibited below the concrete building slab; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * The building that is used to render soil inaccessible shall shall not be removed and shall consist of a roof, exterior walls, and a concrete floor. The concrete floor and concrete foundation shall be maintained in good condition, free of gaps or cracks that could expose such inaccessible polluted soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |
| Option B – Limited Disturbance or  NA  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * The polluted soil rendered inaccessible is at a depth of ***Enter Depth*** feet below the surface of the concrete building floor; * Excavation, demolition or other intrusive activities are prohibited at depths greater than ***Enter Depth*** feet below the surface of the concrete building floor; * The building that is used to render soil inaccessible shall shall not be removed and shall consist of a roof, exterior walls, and a concrete floor. The concrete floor and concrete foundation shall be maintained in good condition, free of gaps or cracks that could expose such inaccessible polluted soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |

|  |
| --- |
| **Pursuant to RCSA Section 22a-133k-1(39):**  The inaccessible soil is polluted soil which is beneath a permanent structure.  Description of permanent structure: *Enter Description*  or  NA |

|  |
| --- |
| **Restrictions and Obligations Applicable to the Subject Area** |
| In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) ***Subject Area*** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:  Option A – No Disturbance or  NA  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * Excavation, demolition or other intrusive activities are prohibited below the permanent structure (“No Disturbance”); * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * The permanent structure is prohibited from being removed and shall be maintained in good condition to the extent required to prevent exposure of such inaccessible soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |
| Option B – Limited Disturbance or  NA  The following restrictions and obligations apply to **Subject Area *Subject Area***:   * The polluted soil rendered inaccessible is at a depth of ***Enter Depth*** feet below the base of the permanent structure; * Excavation, demolition or other intrusive activities are prohibited at depths greater than ***Enter Depth*** feet below the base of the permanent structure; * The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences; * The permanent structure is prohibited from being removed and shall be maintained in good condition to the extent required to prevent exposure of such soil; and * Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited. |

|  |
| --- |
| ***Type of Substances at Subject Area*** |
| PCBs |
| **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 residential activity is prohitbited at the subject area and the soil is not exposed such that people may come in contact with it, as required by the ELUR, such polluted soil does not pose an unacceptable risk to human health. |
| **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 * Substances present in soil at the parcel which is not inaccessible are in compliance with the applicable direct exposure criteria;. * Substances present in soil at the parcel which exceed the applicable direct exposure criteria have been rendered inaccessible;   and/or  The Direct Exposure Criteria for PCBs applied to inaccessible soil (as defined in RCSA section 22a-133k-1(a)(39)) at Subject Area ***Subject Area*** are:  An alternative criterion, as approved in accordance with section 22a-133k-2(d); or  Ten (10) ppm PCBs by dry weight; or  Twenty-five (25) ppm PCBs by dry weight if such inaccessible soil is located on an “other restricted access non-substation location” as this terms is defined in 40 CFR 761.123; or  Twenty-five (25) ppm PCBs by dry weight if such inaccessible soil is located on an an “outdoor electrical substation” as this term is defined in 40 CFR 761.123; or  Fifty (50) ppm by dry weight at an outdoor electric substation if a label or notice is visibly placed in the area in accordance with 40 CFR 761.125(c)(2). |