Exhibit B. EUR Opinion

## Engineered Control Variance - LEP Certification Restriction and

## 

In accordance with RCSA Section 22a-133k-2(f)(2)(B), a variance from compliance with the direct exposure criteria defined in RCSA section 22a-133k-1(a)(15) may be available when an engineered control (EC) is used at a release area, provided an LEP certifies to the Commissioner that the eligibility requirements of RCSA section 22a-133k-2(f)(2)(A) are met and the requirements of RCSA section 22a-133k-2(f)(2)(B) are satisfied which includes the requirement that 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 is for the sole remedial purpose of eliminating exposure to polluted soil that exceeds the direct exposure criteria, provided pollutant concentrations in such soil do not exceed ten times the applicable direct exposure criteria.

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

|  |
| --- |
| **Restrictions and Obligations Applicable to the Subject Area**  **Engineered Control for a variance from the applicable direct exposure criteria for soil only at the Subject Area.** |
| In accordance with RCSA sections 22a-133k-2(f)(2)(B) and 22a-133k-2(f)(2)(D) 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 to meet the specifications in the in the attached engineered control description. The engineered control will be maintained to physically isolate polluted soil from human contact;  In accordance with RCSA section 22a-133k-2(f)(2)(B), 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:  Measures to prevent storm run-on or run-off from damaging the engineered control;  *List measures*  Inspections shall be conducted on a semi-annual basis; and  *List EC features to be inspected*  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;  Financial assurance shall be maintained in accordance with the requirements of RCSA section 22a-133k-1(f).  Subject Area Subject Area is the entire Parcel.  or  **Subject Area *Subject Area*** is/are a portion or portions thereof the Parcel. |
| **Activities Permitted and Activities and Uses Inconsistent with Maintaining Compliance with the NAUL** |
| **Activities permitted:**  Which do not violate 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 NAUL;  Disturb either the engineered control or the polluted soil; and  Monitoring and maintenance activities not included in the attached monitoring and maintenance plan. |

|  |
| --- |
| **Type and Location 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, 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.  Provided the activities listed above to ensure the structural integrity, function, and effectiveness of the engineered control are conducted as required by the EUR, the polluted soil below the engineered control will not pose a risk to human health.  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** ***Subject Area*** is in compliance with the restrictions and obligations of the EUR and the requirements of RCSA section 22a-133k-2(f)(2)(B).  An LEP certified a variance from compliance with the direct exposure criteria through the use of an Engineered Control on *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 this subdivision RCSA section 22a-133k-2(f)(2). |

## Attachment:

## Engineered Control Variance - LEP Certification

## Engineered Control Design Description

## Attachment:

## Engineered Control Variance - LEP Certification

## As-built drawings