



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
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Instructions and Guidance - Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013

In accordance with Section 22a-133q-1(d) of the Regulations of Connecticut State Agencies (RCSA), as amended, when submitting a proposed Environmental Land Use Restriction (ELUR) to the Commissioner for review and approval, the owner of the affected parcel of land (the "Property") shall simultaneously submit a completed application furnished by the Commissioner. The [Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013](#) ("Application"), as provided on the CT Department of Energy and Environmental Protection ("Department") [Environmental Land Use Restrictions](#) webpage, has been developed for this purpose. The instructions and guidance contained herein ("Instructions and Guidance") have been developed to assist the applicant during the ELUR application preparation, submittal and approval process.

The Application guides the applicant to submit the information required by RCSA [Section 22a-133q-1](#), as amended, as well as supplemental information needed to help the Department more efficiently and effectively conduct its review. Throughout the Application and the Instructions and Guidance, the information required pursuant to statute or regulation will make use of the terms "must", "shall" and "required". Additional information requested by the Department will use terms such as "may", "should", "important", "recommends" and "suggests".

These Instructions and Guidance do not substitute or supersede the requirements of any relevant statutes or regulations. It is the applicant's responsibility to review and comply with all applicable laws prior to completing the Application.

Note: The Application is specific to ELURs that will be reviewed and approved by the Commissioner. For ELURs prepared pursuant to Section 22a-133y of the Connecticut General Statutes (CGS), which will be approved by a Licensed Environmental Professional (LEP), please contact the ELUR Coordinator at DEEP.ELUR@ct.gov for further information.

Note: The following Table of Contents (TOC) is included to provide a quick overview of the contents and to help the applicant navigate directly to relevant sections. The headers in the TOC serve as links and the section can be reached by pressing Ctrl-Click. To return to the TOC from within the document, a quick return link is provided in each section.

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Introduction

The purpose of an ELUR is to minimize the risk of human exposure to pollutants and hazards to the environment by imposing certain restrictions upon the use, occupancy, and activities of and at the Property subject to the ELUR. An ELUR is a tool which permits the remedial goals for a Property to be dependent on the exposure risk associated with its use.

Only the current owner of the Property shall record an ELUR on the municipal land records. An ELUR is an easement interest in Property granted by the owner ("Grantor") to the Commissioner ("Grantee"). The documents and details required are similar to those required in other types of real estate transactions.

CGS [Section 22a-133o](#) includes provisions which state that an ELUR shall run with the land, shall bind the owner of the land and his successors and assigns, and shall be enforceable notwithstanding lack of privity of estate or contract or benefit to particular land and that an ELUR shall also survive foreclosure of a mortgage, lien or other encumbrance. However, the owner of the Property may be released, wholly or in part, on a temporary or permanent basis, from the limitations of the ELUR with the Commissioner's approval. For further information regarding ELUR releases contact the ELUR Coordinator at DEEP.ELUR@ct.gov.

Eligibility

An ELUR is an optional remedy choice, as set forth in the [Remediation Standard Regulations](#) (RSRs) Sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA, as amended. The RSRs include specific provisions, which if utilized, require that an ELUR be in effect or will be in effect at the time compliance with the RSRs is achieved. These provisions are paraphrased as follows (for complete language see the referenced regulatory citation):

Section 22a-133k-2 Standards for Soil Remediation

Note: The titles provided below have been derived from the corresponding RSR sections and directly reflect the restriction imposed by the ELUR ("Restriction").

22a-133k-2(b)(2)(A) **Residential Activity Restriction – Soil** (also referred to as the "Industrial/Commercial" ELUR)

Polluted soil may be remediated to the Industrial/Commercial Direct Exposure Criteria for each substance (except polychlorinated biphenyls (PCBs) if access is limited to individuals working at or people temporarily visiting the subject Property and an ELUR is in effect which ensures that the Property or restricted portion thereof is not used for any residential activity in the future and that any future use is limited to an industrial or commercial activity.

22a-133k-2(b)(2)(B) **Residential Activity Restriction - Soil (PCBs)**

Soil polluted with PCBs may be remediated to the Industrial/Commercial Direct Exposure Criteria for PCBs if, among other requirements, an ELUR is in effect which ensures that the Property or restricted portion thereof is not used for any residential activity in the future and that any future use is limited to an industrial or commercial activity.

22a-133k-2(b)(3) **Exposure of Inaccessible Soil Restriction** (also referred to as the "Direct Exposure" ELUR)

The Direct Exposure Criteria for substances other than PCBs do not apply to inaccessible soil at a release area provided that, if such inaccessible soil is less than fifteen (15) feet below the ground surface, an ELUR is in effect with respect to the subject Property or portion of such Property containing such release area, which ensures that such soils will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.

With respect to PCBs-polluted soil, in accordance with Section 22a-133k-2(b)(3) of the RCSA, **certain Direct Exposure Criteria for PCBs is applied to inaccessible soil** (as provided in the subsection) at a release area provided that, if such inaccessible soil is less than (15) feet below the ground surface, an ELUR is in effect with respect to the subject Property or portion of such Property containing such release area, which ensures that such soils will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.

22a-133k-2(c)(4)(A) **Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction** (also referred to as the "Pollutant Mobility" ELUR)

The Pollutant Mobility Criteria do not apply to environmentally isolated soil provided an ELUR is in effect with respect to the subject Property, or portion thereof, containing such soil which ELUR ensures that such soil will not be exposed to infiltration of soil water due to, among other things, demolition of the building.

22a-133k-2(f)(2)(B) **Disturbance of Engineered Control and Polluted Soil Restriction** (also referred to as the "Engineered Control" ELUR which addresses exceedances of the Direct Exposure Criteria for soil only or addresses exceedances of both the Direct Exposure Criteria and Pollutant Mobility Criteria for soil)

If certain conditions at a subject release area exist or are met, the requirements of RCSA Sections 22a-133k-2(a) through 22a-133k-2(e) (**the Standards for Soil Remediation**) do not apply provided that an Engineered Control of polluted soils is implemented pursuant to RCSA Section 22a-133k-2(f)(2)(B) and RCSA Section 22a-133k-2(f)(2)(C). Among other things, these subsections require that an ELUR is or will be in effect with respect to the Property at which the subject release area is located, which restriction ensures that such Property will not be used in a manner that could disturb the Engineered Control or the polluted soil.

Section 22a-133k-3 Standards for Groundwater Remediation

22a-133k-3(c)(2) **Residential Activity Restriction - Groundwater**

If groundwater polluted with a volatile organic substance is below a building used solely for industrial or commercial activity, such groundwater shall be remediated to a concentration equal to or less than the applicable Industrial/Commercial Volatilization Criterion for groundwater, provided that an ELUR is in effect with respect to the Property or portion thereof upon which such building is located, which ensures that the Property or portion thereof will not be used for any residential purpose in the future and that any future use is limited to industrial or commercial activity.

22a-133k-3(c)(3)(A) **Residential Activity Restriction - Soil Vapor**

Remediation of a volatile organic substance to the **Volatilization Criterion for groundwater shall not be required** if the concentration of such substance in soil vapors below a building is equal to or less than the Industrial/Commercial Volatilization Criterion for soil vapor, if such building is solely used for industrial or commercial activity and an ELUR is in effect with respect to the Property or portion thereof upon which such building is located, which ensures that the Property or portion thereof will not be used for any residential purpose in the future and that any future use is limited to industrial or commercial activity.

22a-133k-3(c)(5)(A) **Building Construction Restriction**

The Volatilization Criteria do not apply to groundwater polluted with volatile organic substances, where the water table is less than fifteen (15) feet below the ground surface, if no building exists over the groundwater polluted with volatile organic substances at a concentration above the applicable Volatilization Criteria, and it has been documented that best efforts have been made to ensure that each owner of any property or portion thereof overlying such polluted groundwater records an ELUR which ensures that no building is constructed over such polluted groundwater.

22a-133k-3(e)(2)(C) **Groundwater Use Restriction**

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 ELUR which ensures that the subject groundwater plume is not used for drinking or other domestic purposes.

Note: The RSRs must be applicable (as defined in RCSA Section 22a-133k-1(b)) to utilize an ELUR as a remedial measure and to obtain the Commissioner's approval. If the RSRs do not apply, please do not submit an ELUR for the Commissioner's review and approval. If further assistance is needed, contact the ELUR Coordinator at DEEP.ELUR@ct.gov or the [Remediation Division District Supervisor](#) of the City/Town where the Property is located.

Authorizing Statutes and Regulations

In accordance with CGS [Section 22a-133o](#), the Commissioner, or an LEP in accordance with CGS Section 22a-133y, may approve an ELUR if it is determined that the ELUR will effectively protect public health and the environment from the hazards of pollution.

Furthermore, Sections 22a-133n through 22a-133s, inclusive, of the CGS include: a description of subordination agreement and waiver requirements, the requirements for ELUR recording, the requirements for a certificate of title, and provisions for the release and enforcement of ELURs.

RCSA [Section 22a-133q-1](#), as amended, includes: a description of the content of ELURs, approval requirements for ELURs, and ELUR recording requirements. Appendix 1 of RCSA Section 22a-133q-1 is the form of the Declaration of Environmental Land Use Restriction and Grant of Easement that must be used and submitted for the Commissioner's or LEP's approval.

With the statute and regulations in mind, the Application has been specifically designed to obtain the information the Commissioner will need to make the decision to approve or deny an ELUR application.

Who May Prepare an ELUR

An ELUR is a deed granting an easement to the Commissioner and involves the application of relevant environmental laws/regulations and evaluation of environmental conditions at the Property. The Department suggests that a qualified attorney who is admitted to practice law in the State of Connecticut be retained to assist in the preparation of the ELUR. General information regarding hiring an attorney can be found at the [State of Connecticut Judicial Branch](#) webpage. The Department also suggests that a LEP or qualified environmental professional be retained to assist in the preparation of the ELUR. General information regarding the LEP Program and the LEP Roster can be found on the Department's [Licensed Environmental Professional Program](#) webpage.

RCSA Section 22a-133q-1(a) also requires that the ELUR Class A-2 Survey be prepared by a land surveyor licensed by the State of Connecticut. A roster of currently licensed surveyors in the State of Connecticut can be found on the [Connecticut Department of Consumer Protection](#) webpage.

Fee Information

No fee is required for the review and approval of an ELUR application.

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How to Prepare an ELUR

Components of the ELUR Application Quick Start

The following table lists the components of a complete ELUR application. As with the Table of Contents, the sections can be navigated to directly by pressing Ctrl-Click on the highlighted field.

Note: When processing is complete, the ELUR will consist of the final paper copies of the following documents “”:

Environmental Land Use Restriction (ELUR) Application Submittal	
<input type="checkbox"/>	Transmittal Form ²
ELUR Application	
<input type="checkbox"/>	Section A. Application Information ²
<input type="checkbox"/>	Section B. Public Notice of Grantor’s Intent to Record an ELUR ¹ ✓ Electronic copy of Certified Copy of Public Notice inserted into space provided ¹
<input type="checkbox"/>	 Section C. Declaration of Environmental Land Use Restriction and Grant of Easement ¹
<input type="checkbox"/>	 Exhibit A. Property Description (Metes and Bounds) ¹
<input type="checkbox"/>	 Exhibit B: Decision Document Overview ¹
<input type="checkbox"/>	 Exhibit B: Decision Document Restriction Form(s) ¹
<input type="checkbox"/>	✓ Electronic copies of tables/figures inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	✓ Electronic copy of EPA’s approval of the PCBs Notification pursuant to 40 CFR Part 761.61 inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	✓ Electronic copy of the Commissioner’s conditional approval of Engineered Control inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	 ✓ Electronic copy of the Description of Engineered Control (As-Built) inserted into applicable Restriction Form ¹
<input type="checkbox"/> <input type="checkbox"/> N/A	✓ Electronic copy of the mechanism for financial assurance for the Engineered Control inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	✓ Electronic copy of the Commissioner’s approval of the variance due to Technical Impracticability of Groundwater Remediation inserted into applicable Restriction Form ²
<input type="checkbox"/>	 Exhibit C. ELUR Class A-2 Survey ¹
<input type="checkbox"/>	✓ Electronic copy of draft ELUR Class A-2 Survey (marked draft and unsigned) inserted into Exhibit C ¹

Environmental Land Use Restriction (ELUR) Application Submittal

<input type="checkbox"/>	Section E. Signatory Responsibility and Ownership Form ²
<input type="checkbox"/>	Attachment A. Copy of Current Deed ² ✓ Electronic copy of current deed inserted into Attachment A
<input type="checkbox"/> <input type="checkbox"/> N/A	Attachment B. Copy of Document(s) which Demonstrates the Duly Designated Agent is Authorized to Sign on Behalf of the Grantor ² ✓ Electronic copy of signed document(s) inserted into Attachment B
<input type="checkbox"/>	Section F. Subordination Agreements and Waiver Requests Form - Analysis of Land Title, A-2 Survey and Property Owner Affidavit ²
<input type="checkbox"/>	Attachment C. Copy of Title Search ² ✓ Electronic copy of title search inserted into Attachment C
<input type="checkbox"/> <input type="checkbox"/> N/A	Attachment D. Copy of Optional Preliminary Certificate of Title ² ✓ Electronic copy of optional preliminary COT inserted into Attachment D
<input type="checkbox"/>	Attachment E. Copies of Deeds and Maps, Copies of Subordination Agreements (as applicable) ² <ul style="list-style-type: none"> ✓ Electronic copies of deeds/maps – ONLY for those that a subordination agreement waiver is requested - inserted into Attachment E ✓ Electronic copies of signed subordination agreements – if obtained at the time that the Application is submitted - inserted into Attachment E ✓ Commissioner's Approval of Subordination Waiver (will be provided by the Department at the time that the final ELUR paper copy is returned to the Grantor for recording)
<input type="checkbox"/>	Attachment F. Copy of Property Owner Affidavit ² ✓ Electronic copy of draft, unsigned Property Owner Affidavit inserted into Attachment F (will be signed by the Grantor at the same time that the final ELUR paper copy is signed by the Grantor)
<input type="checkbox"/>	Table 1. Land Title Analysis ²
<input type="checkbox"/>	Table 2. ELUR Class A-2 Survey/Property Owner Affidavit Analysis ²
<input type="checkbox"/>	Section G. Certification of Completeness of ELUR Application Form ² and as applicable --
<input type="checkbox"/>	✓ Electronic copy of signed Property Owner Certification inserted into Section G
<input type="checkbox"/>	✓ Electronic copy of signed Preparer Certification for all Sections (except F) inserted into Section G
<input type="checkbox"/>	✓ Electronic copy of signed Preparer Certification for Section F inserted into Section G
<input type="checkbox"/> <input type="checkbox"/> N/A	✓ Electronic copy of signed Optional Statement by Licensed Environmental Professional Form inserted in Section G
	Section H. Submittal Addresses and Other Important Contact Information

¹ Information required pursuant to RCSA Section 22a-133q-1(d).

² Information not required by RCSA Section 22a-133q-1(d), but requested to help facilitate the Commissioner's "Lean" review and approval.

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Completing the ELUR Application

To streamline the ELUR application preparation and approval process, the Application has been designed to be completed electronically as a fillable form developed in Microsoft Word® (“Word”). The Application’s enhanced features include:

- ★ Direct entry (with ample space provided) of Grantor- and Property-specific information;
- ★ An “auto-populate” feature for certain fields, such as Property/Facility Name, Address and Grantor Legal Name (i.e., these fields will repeat throughout the Application);
- ★ Check-box selection of regulatory language;
- ★ Ability to enter proposed alternative language if the templates do not appear to apply to your ELUR;
- ★ Ability to enter additional copies of forms as needed; and
- ★ Ability to insert supporting attachments and documents directly into the Application (regardless of file type, e.g., Word, Acrobat® Adobe® Portable Document Format (PDF), and/or JPEG image format).

The Application and all its supporting documents/attachments are consolidated in one document and saved entirely in electronic form.

When completing the Application, if an attachment is required, the applicant will be directed to insert the document into the space provided. As a form developed in Word, documents can be inserted into the Application as an “Object” resulting in an “embedded” file (which displays as an icon – example left).



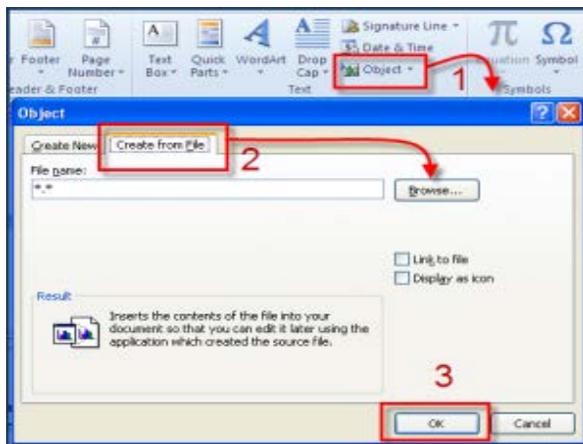
When double-clicked, the embedded document will open in its program of origin. For instance, when a PDF file is embedded in the document, and the icon double-clicked, the file will open in Adobe Reader. Note that the icon is not the file; it is an image link to the file that is now a hidden part of the Application.

When the Application is printed, only the icon will be displayed on the attachment page - not the contents. For the purposes of reviewing the Application, being able to view attachments electronically is sufficient, and there is no need to provide a paper copy of these attachments unless and until otherwise directed.

Step-by-step instructions on how to insert a PDF, Word Document, or JPEG are provided on the cover page of **Section D.** of the Application and illustrated below:

Instructions -- How to electronically embed an Object into the Application -----

1. Open the Word document (the Application) and select **Insert** on the ribbon.
2. In the **Text group** click the dropdown arrow for **Object** and select **Object (saved as PDF, Word, or JPEG)**.
3. The **Object dialog box** will appear. Select **Create from File**.
4. Choose **Browse** and select the file to embed.
5. The file location will now appear on the **Object dialog box**.
6. Click **Display as Icon**. If preferred, change icon name.



7. Click **OK**.
 8. An icon is inserted into the Application.
 9. Double-click on the icon to scroll through the document.
- Note:** This is not the file. It is an image link to the file that is now a hidden part of the Application.

If for any reason the proposed method of embedding documents in the Application is not possible, electronic versions of these documents can be submitted independently of the Application (see [ELUR Application Processing](#) section).

Note: Certain pages of the Application have been “locked”, or protected  to prevent inadvertent changes to statutory/regulatory language. Therefore, the applicant will only be able to enter information into the spaces and fields provided. Do not attempt to unprotect the document or to alter the Application. As applicants come across “bugs”, or find other more efficient ways to insert documents, please direct your findings and comments to the ELUR Coordinator at DEEP.ELUR@ct.gov.

Note: Although completing the Application electronically is recommended, the Department will also accept an Application in paper copy form (version provided on the [Environmental Land Use Restrictions](#) webpage).

Important Tips to Consider

Before starting the Application process, it is recommended that certain aspects of an ELUR be considered and evaluated first.

These are:

- The concept of Subject Area(s);
- Potential conflicts in the land that would affect the purpose of the ELUR at the Subject Area (i.e., analysis of recorded interests and potential interests in the land); and
- Regulatory public notice requirements.

Concept of Subject Area(s)

An ELUR can be applied to the entire Property, or portion(s) of the Property. For the purpose of the ELUR, these “portions” (including the entire Property, if applicable) will be identified as “Subject Areas”.

When defining the Subject Area for the ELUR, the Department suggests that the Subject Area be of a sensible size, regularly shaped and tied to permanent Property features. Ultimately, the objective is to make it as easy as possible for a layperson to identify the location of the Subject Area without having to employ the services of a surveyor. This is critical to safeguard the purpose of the ELUR which is to protect human health. If necessary, monuments can be used to define the limits of a Subject Area and to tie the Subject Area to permanent site features. The use of monuments is acceptable to the Department, and may even be required on a case-by-case basis.

Analysis of Recorded Interests and Potential Interests

Pursuant to Section 22a-133o of the CGS, after recording an ELUR the owner of the Property shall submit to the Commissioner a certificate of title (COT) indicating that each person holding an interest in the Property including without limitation, each mortgagee, lessee, lienor and encumbancer, has irrevocably subordinated such interest to the ELUR. Therefore, if an ELUR is being considered in connection with the remediation of property, it is recommended that real estate title issues be evaluated early in the process, and as early as the time the remedial action plan is being developed. It is important to recognize up-front if there will be a conflict between a proposed ELUR and any recorded interests or potential interests in the Property. If conflict(s) exist, these need to be resolved prior to finalizing the remedial action plan or the ELUR.

Further information and detailed instructions for evaluating recorded interests and potential interests in the Property are provided later in the text in [Section F](#).

Public Notice Requirements

RCSA Section 22a-133q-1(c) includes public notice requirements for ELURs (“Public Notice”) and requires that a notice of intent to record an ELUR be published in at least one newspaper of general circulation in the area affected by the proposed ELUR for a period of thirty (30) days. Public Notice is not required if the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use.

Note: An ELUR can only be submitted for review and approval **after the thirty (30) day Public Notice comment period is completed**. If during this time the public requests copies of the proposed ELUR, provide the ELUR as drafted.

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ELUR Application Processing

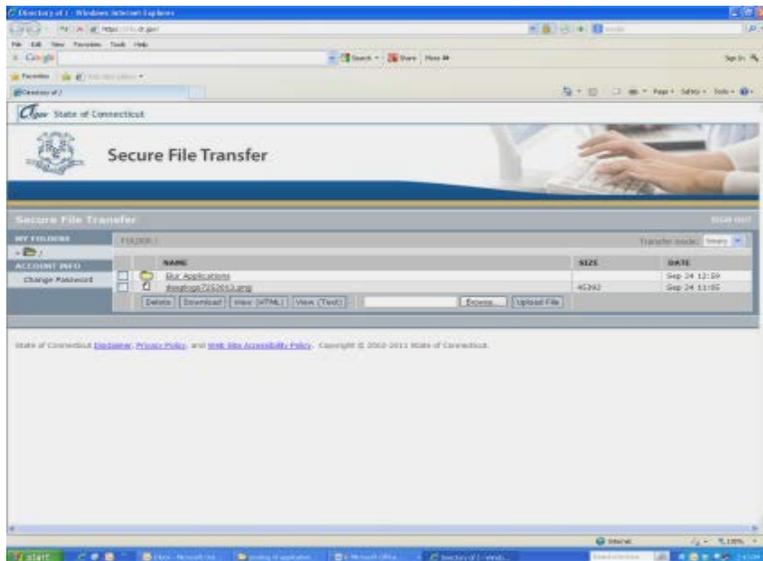
The Department strongly recommends that the ELUR application be submitted in electronic form saved as a Word Document.

Because the size of the Application may exceed the size that an email can support, the Department requests that the completed Application be electronically submitted to a State of Connecticut Secure File Transfer website which has been developed exclusively for this purpose.

To mail the Application, follow the link --- <https://sfile.ct.gov>

Enter Username: deepelurup

Enter Password: Deepelur13



Select the **ELUR Application** folder 

Click on **Browse** to select your file

Click on **Upload File**

Once uploaded, the document is protected and cannot be removed. If for any reason you would like to delete the submittal, let us know by contacting DEEP.ELUR@ct.gov.

Sign Out

Please simultaneously submit an e-mail to DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address) advising that the Application has been submitted. An automated response will be immediately generated to confirm the Department's receipt.

The Department will also accept a paper copy of the Application (version provided on the [Environmental Land Use Restrictions](#) webpage). Please submit the Application package to the following address:

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

Attention: New Proposed ELUR Application

ELUR application processing involves a number of steps (discussed below), and each step will have a specified timeframe for completion. It is the Department's goal to process the Application in a timely manner, and at any time, the status of an Application can be determined by contacting the ELUR Coordinator at DEEP.ELUR@ct.gov (RE: Property/Facility Name and Address).

On the part of the Applicant, if a step will not be completed within the timeframe specified, a request for an extension should be submitted by e-mail to the ELUR Coordinator (example [Extension Request](#)). The request should include the reason for the extension and the expected date of completion. Upon review, the Department will acknowledge the extension as appropriate [Extension Request Concurrence](#) or [Extension Request Approval](#), or determine whether to approve or deny the Application based on the information submitted.

If the timeframe of a step is not met, and the Department has not received and acknowledged an extension, the Application will be held in queue for ninety (90) days. After ninety (90) days, the Department may determine whether to approve or deny the Application based on the information submitted.

Administrative Review

The initial step in processing is an administrative review to determine if the Application is complete, i.e., includes all of the components needed for technical review. To determine completeness, the reviewer will compare the Application directly to the [Components of the ELUR Application](#) checklist included herein.

If the Application is not administratively complete, a [Notice of Administrative Deficiency](#) (NOAD) will be issued and sent by e-mail to the Primary Contact. The NOAD will highlight the information that is missing and also specify a time period, usually sixty (60) days, for the applicant to respond.

When administratively complete, a [Notice of Administrative Completeness](#) (NOAC) will be issued and sent by e-mail to the Primary Contact. The Application will then be assigned to a Department staff person for technical review.

Technical Review

The staff person will review the Application, in part, by evaluating site-specific information and the appropriateness of the ELUR. The ELUR Class A-2 Survey ("Survey") will also be reviewed by following the [ELUR Class A-2 Survey Submittal Checklist](#) included herein (Exhibit C).

Note: The A-2 Survey checklist is available for reference, but there is no requirement to submit the checklist with the Application.

If necessary, the Department will provide written comments/proposed revisions by e-mail to the Primary Contact. The timeframe for the applicant to respond to the Department's comments is sixty (60) days. Response to comments can be sent by e-mail to DEEP.ELUR@ct.gov (RE: Property/Facility Name and Address). If the applicant does not respond within this timeframe, and the Department has not received and acknowledged a request for an extension, the Department may determine whether to approve or deny the Application based on the information provided.

When all comments have been satisfactorily addressed and the Commissioner has determined that: 1) the proposed ELUR is consistent with the purposes and requirements of CGS Sections 22a-133n to 22a-133r, inclusive; and 2) the proposed ELUR will effectively protect public health and the environment from the hazards of pollution, the Department will notify the Primary Contact by email ([Transmittal Letter 1](#)) that the review is complete and will attach the electronic copy of the saved (and protected) ELUR package.

The Primary Contact will be directed to assemble the final ELUR package by printing these documents, **and to include** the full-size paper copy of the final survey (bearing an original stamp and signature), paper copies of signed subordination agreements (if applicable) and the signed Property Owner Affidavit.

Approval Process

When the ELUR paper copy is assembled, the Primary Contact should direct the Grantor or duly designated agent to sign the Declaration Document. The applicant will have sixty (60) days to return the final, signed paper copy of the ELUR to the Department.

Please send to:

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

Attention: Signed ELUR

Upon receipt, the Commissioner or duly designated agent will sign the final Declaration Document, Decision Document Overview, and if applicable, a subordination agreement waiver approval ("Waiver"). These documents will be returned to the Primary Contact accompanied with [Transmittal Letter 2](#). Transmittal Letter 2 will provide detailed instructions on how to proceed with the recording of the ELUR and other regulatory requirements.

After recording, the Primary Contact will then send the final ELUR package to the Department. This package will include: the Certificate of Title; copies of the recorded ELUR, subordination agreements and if applicable, the subordination agreement waiver approval.

The Department will review the package, and among other things, will confirm that all subordination agreements and/or the subordination agreement waiver approval have been recorded. If found to be unsatisfactory, the Department will notify the Primary Contact of the deficiency and will specify a timeframe to respond. If a satisfactory response is not submitted within the timeframe specified, the ELUR will not be valid, and the Department will evaluate its options to facilitate the completion of the process.

The ELUR is considered complete when all documents have been received and confirmed satisfactory. To close the process the Department will send the Primary Contact an ELUR [Notice of Receipt](#) by e-mail.

Note - Change of Ownership during Approval Process: If during the period between submitting the Application and recording the ELUR the ownership of the Property changes, please provide notice to the Department. As required by statute, only the current owner of the Property shall record an ELUR on the municipal land records, and if Property ownership changes prior to recordation, the Application is no longer valid. If, however, the ELUR is still sought by the new Property Owner, a request for an extension to re-submit an updated Application can be made. Conversely, if the ELUR is no longer sought, please submit a request to withdraw the Application. All correspondence can be directed to: DEEP.ELUR@ct.gov (RE: Property/Facility Name and Address).

Application Assistance

For further information or assistance, contact the ELUR Coordinator at DEEP.ELUR@ct.gov (RE: Property/Facility Name and Address).

Available Resources

Below is a list of Department resources and reference documents which may be useful when preparing the Application. Also provided are examples of the correspondence referenced above.

- [Remediation Standard Regulations](#)
- [RCSA Section 22a-133q-1](#)
- CGS [Section 22a-133o](#)
- [Environmental Land Use Restrictions](#)

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Application Instructions

As stated in RCSA Section 22a-133q-1(d), when submitting a proposed ELUR to the Commissioner for review and approval, the Grantor shall simultaneously submit a completed application form furnished by the Commissioner which includes the following documents:

- 1) A draft, unsigned Declaration of Environmental Land Use Restriction and Grant of Easement in the form set forth in Appendix 1 to RCSA Section 22a-133q-1;
- 2) A draft Class A-2 Survey of the Property or portion thereof which is the subject of the proposed ELUR;
- 3) A proposed Decision Document in accordance with RCSA Section 22a-133q-1(f); and
- 4) A certified copy of the Public Notice required by RCSA Section 22a-133q-1(c) (if applicable), as appeared in the newspaper or newspapers.

The Application, and the corresponding Instructions and Guidance contained herein, are furnished by the Commissioner to satisfy these requirements, and to guide the applicant to provide supplemental information as needed to facilitate the review and approval process.

Transmittal Form

The Application must include a Remediation Standard Regulations Approval Request or Notice Transmittal Form which indicates that an ELUR is being submitted as an "Approval Required by the RSRs". The following links from the Department's webpage can be used to obtain the form and instructions for completion: Transmittal Form ([Word / PDF](#)) and [Instructions](#) (PDF). The completed Transmittal Form can be directly inserted into the space provided (the page is not locked in Word).

Section A. Application Information

Enter general applicant and Property information as follows:

Part I. Property Information – Physical Location

Provide the name and address of the Property/Facility. The Property/Facility Name and "Other Name(s)" requested are for reference purposes only. Because the name of a Property/Facility can change, enter the name preferred, and if known, enter "Other Name(s)" in the space provided. If the Property does not have a street address, describe the location in terms of the distance and direction from an obvious landmark, such as an intersection with another roadway, a bridge, or river (e.g., "River Street, approx 1000 ft north of its intersection with Bear Swamp Road").

The Remediation Division assigns REM ID#s as a means to identify and track the progress of sites through its Remediation Programs ("Programs"), and the Application itself will be entered as an actionable submittal under the site's REM ID#. If the REM ID# is not known, please contact the Remediation Division Project Manager, the [Remediation Division District Supervisor](#) or ELUR Coordinator at DEEP.ELUR@ct.gov for assistance. Or upon receipt, the Division will ensure that the proper REM ID# is entered.

Part II. Property Owner Information

Provide the name of the Property Owner ("Grantor Legal Name") as shown on the municipal land records.

Note: If the Property Owner is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, the business must be registered with the Connecticut Secretary of State. If applicable, the name shall be stated exactly as it is registered. This information can be accessed on the Secretary of State's [CONCORD](#) database. If applicable, enter the Connecticut Secretary of State Business ID# as given in the CONCORD database.

Note: If there is more than one Property Owner, enter all names in the **Grantor Legal Name** field separated by a comma (to ensure they repeat within the Application, particularly the Declaration Document). If the contact information is different for each, enter "see next page" in the field(s). The next page is not locked, and the Property Owner Information block can be copied and pasted as needed. Note that the contact information

would ordinarily auto-populate in Section E, Part II, but in the case of multiple Property Owners, the feature will be disabled. When you reach Section E., simply refer the reader back to this section.

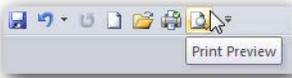
Provide the full and exact mailing address of the Property Owner along with an e-mail address, preferred phone number, alternate phone number, and fax number. The preferred phone number should be the number where the party can be reached during daytime business hours.

If applicable, provide the name of the Primary Contact for the Property Owner, and complete Part III.

Part III. Primary Contact Information

Provide the name and address of the Property Owner's Primary Contact and firm (if applicable). The Primary Contact will be the individual that will be contacted by the Department during all phases of the ELUR application process.

Reminder --- To see the auto-populated fields press "Print Preview" (and then close).



Part IV. Environmental Professional Information, Part V. Attorney Information, and Part VI. Land Surveyor Information

Provide the name, address and applicable license number of the professionals retained to assist with the preparation of the ELUR.

Part VII. Program Involvement

Identify the Program(s) in which the Property is involved by checking the applicable box(es). If the Program is not listed, check the box labeled "Other Department Program", and specify.

Part VIII. Existing ELUR and/or Release Recorded on the Municipal Land Records (if applicable)

If an ELUR for the Property or a portion thereof was previously recorded, and/or has been released, provide the information as requested.

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Section B. Public Notice of Grantor's Intent to Record an ELUR

Pursuant to RCSA Section 22a-133q-1(c) Public Notice of a proposed ELUR is required, except when the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use. Given your site-specific circumstances, check the applicable box as directed.

Note: An ELUR can only be submitted for review and approval **after the thirty (30) day Public Notice comment period is completed**. If during that time the public requests copies of the proposed ELUR, provide the ELUR as drafted.

Part I. If Public Notice is not Required for Residential Activity Restriction ELUR – Both boxes should be checked in this case. Enter the municipal zoning designation for the Property and in the space provided enter the definition of the designation (which clearly indicates that the Property is restricted to industrial or commercial activities).

Add the municipal zoning designation for the Property on **Exhibit C – ELUR Class A-2 Survey**.

Part II. If Public Notice is Required for Proposed ELUR – Check all boxes to affirm that the requirements of RCSA Section 22a-133q-1(c) have been met.

RCSA Section 22a-133q-1(c) requires that the Public Notice state that written comments are to be mailed to the Department. If the Department receives comments within the thirty (30) day comment period, copies will be sent to the Primary Contact and based on the nature of the comment, the Department will respond directly or request that the Primary Contact provide the response (all records will be maintained in the Department's file). If no comments are forwarded by the Department within 45 days of the beginning of the comment period, then none were received. If comments are mailed directly to the contact person given in the Public Notice, please forward copies of the comments to the Department along with the draft ELUR application.

Part II. A. Types of Restrictions Included in the Public Notice - Check the applicable box(es) to indicate the types of Restrictions included in the Public Notice.

Part II. B. Publication of Public Notice – A certified copy of the Public Notice must be submitted with the ELUR application. Check the box to affirm that a certified copy of the published notice is inserted in the space provided. Enter the date of publication and the name of the newspaper.

Part II. C. Public Comment – Check the first box if no public comments were received. Check the second box if written public comments were received within the thirty (30) day comment period, and a summary of all written public comments and the response to each is provided in **Exhibit B - Decision Document Overview**.

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Section C. Declaration of Environmental Land Use Restriction and Grant of Easement

The Declaration of Environmental Land Use Restriction and Grant of Easement (“Declaration Document”) is the agreement between the Property Owner (“Grantor”) and the Commissioner of the Connecticut Department of Energy and Environmental Protection (“Grantee”) that specifies the restrictions, terms, and conditions of the ELUR. Pursuant to RCSA [Section 22a-133q-1](#), as amended, the ELUR shall be prepared by using the form prescribed in Appendix 1 to RCSA Section 22a-133q-1.

Note: The wording of this electronic version of the Declaration Document is identical to the form that appears in Appendix 1 of RCSA Section 22a-133q-1, as amended. Disregard any typographical errors or apparent discrepancies – these are present in the regulatory form. The regulations for the Declaration Document may be revised in the future.

Reminder - The Declaration Document should be submitted unsigned and undated with the Application package. Upon completion of administrative and technical review, the Declaration Document will be returned by e-mail to the Primary Contact. The Primary Contact will print a paper copy and obtain the Grantor’s signature. The Commissioner or duly designated agent will sign and date after the Grantor signs.

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Complete the Declaration Document as follows:

Header - The header will auto-populate with the information provided by the applicant in Section A, Part I of the Application.

1st Paragraph – The Legal Name of the Grantor will auto-populate with the information provided by the applicant in Section A, Part II of the Application. The date should be left blank. The date will be entered by the Department when the Commissioner or duly designated agent signs the Declaration Document.

1st WHEREAS Paragraph – The Property/Facility Address will auto-populate with the information provided by the applicant in Section A, Part I of the Application. Enter the Assessor's map/block/lot information and/or Assessors' Account Number. Space is unlimited in these fields, enter as many map/block/lot designation(s) as needed, or "NA", not applicable. If the Assessor's Account Number is not applicable, enter "NA". Enter the volume and page of the deed.

2nd WHEREAS Paragraph – When approved by the Commissioner, check the first box. For ELURs prepared pursuant to Section 22a-133y of the CGS (approved by a Licensed Environmental Professional (LEP)), check the second box.

For additional information regarding LEP approved ELURs please contact the ELUR Coordinator at DEEP.ELUR@ct.gov.

Grantor Signature Page – This page is not locked in Word to allow the applicant to enter the appropriate signature block. The signature blocks provided are shown as examples only and can be revised as needed. If the applicant chooses to use an example as provided, text can be entered directly into the highlighted fields. The yellow highlighted text and other example can be deleted, but remember to include the mailing address information.

Instructions Notarization Language for Grantor Acknowledgement – Check the appropriate box if the Grantor is an individual, a corporation, or a limited liability company. Enter the information as requested into the highlighted fields.

If none of the choices are appropriate, the last box can be checked, and language inserted into the space provided. If upon review the Department has suggested revisions to the proposed language, these will be highlighted and returned to the applicant for his/her concurrence.

Instructions Grantee Signature Block – When approved by the Commissioner, check the first box. For ELURs prepared pursuant to Section 22a-133y of the CGS, which will be approved by a Licensed Environmental Professional, check the second box and complete the information blocks on the last pages.

For additional information regarding LEP approved ELURs please contact the ELUR Coordinator at DEEP.ELUR@ct.gov.

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Section D. Exhibits to the ELUR and Supplemental Information

Note: The cover pages to each Exhibit are place holders and will not be recorded on the municipal land records.

Exhibit A. Property Description (Metes and Bounds)

A metes and bounds description of the Property must be included with the Application and labeled as Exhibit A.

The metes and bounds description should be derived from the ELUR **Class A-2 Survey** (Exhibit C) and entered directly into the text box provided.

As will be discussed in the Class A-2 Survey instructions, if the survey depicts only a portion of the Property, the Property description can be based on the current record description. Please refer to the **Class A-2 Survey** instructions for further information.

The header and title will auto-populate with the information provided by the applicant in Section A, Part I and II of the Application. If the Property/Facility Name and the Grantor Legal Name are one in the same, the Department will delete the duplication during processing.

Exhibit B. Decision Document

According to RCSA Section 22a-133q-1(f), the ELUR will include a Decision Document that shall contain a detailed written description of:

- 1) The type and location of substances present in soil, groundwater or soil vapor on or underlying the Property or portion thereof ("Subject Area") which is the subject of the ELUR;
- 2) The provisions of the ELUR and why such restrictions or limitations on the use of the Property or portion thereof are necessary to adequately protect human health and the environment; and
- 3) Description of the reason for the ELUR, including an explanation why such restriction is consistent with Sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA.

The Decision Document has also been designed to obtain information which, pursuant to RCSA Section 22a-133q-1, the Commissioner will use to decide whether to approve or deny an ELUR. These are: 1) all public comments submitted; 2) whether such restriction will adequately protect human health and the environment from pollution at or emanating from the subject release area; and 3) whether such restriction conforms in all respects to the requirements of RCSA Section 22a-133q-1 and Sections 22a-133n through 22a-133s of the CGS.

These requirements have been incorporated into the Decision Document in the form of two individual documents (collectively, the Decision Document). These are:

- The **Decision Document Overview**; and
- The **Decision Document Restriction Form(s)** including supporting documents.

Exhibit B. Decision Document Overview

The Decision Document Overview provides the required documentation stating that the ELUR follows and meets the statutory and regulatory requirements outlined above.

Complete the Decision Document Overview as follows:

1. The Property/Facility Name and Address will auto-populate with the information provided by the applicant in Section A, Part I and II of the Application.

2. In the left-hand column (“Restriction”), check the appropriate box(es) to indicate which restriction(s) will be applied at the Property. More than one restriction may be applied at a Subject Area and hence more than one box may be checked. In the event that multiple Subject Areas will apply the same restriction, the restriction box need only be checked once.
3. In the right-hand column (“Subject Area(s)”) enter the Subject Area(s) where the restriction will apply. The preferred method of identifying Subject Areas is by letter, e.g., Subject Area A, Subject Area B, C, and so on. Enter the letter(s) in the field provided.
4. The Decision Document Overview provides documentation of Public Notice information (as determined/directed by Section B of the Application) -

Public Notice is not Required for Residential Activity Restriction ELUR - Check the first box if the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use.

Public Notice is Required for Proposed ELUR – Check the second box if Public Notice is required. Enter the date of publication and the name of the newspaper where the notice was published. Then check one of the two options: “No public comments were received”, or “A summary of all written public comments that were received within thirty (30) days after the date of publication of the Public Notice and a brief response to each comment is provided below”. As indicated, enter the written comments received and the response(s) in the space provided.

5. **Grantee Signature** - The “Grantee”, i.e., the Commissioner or the Commissioner’s duly designated agent, signs the **Decision Document Overview** Form when the Application approval process is complete.

Exhibit B. Decision Document Restriction Form(s)

The Decision Document has been designed to include individual, specific Restriction Forms (“Forms”) for each type of restriction provided for in the RSRs. The Forms will guide the applicant to provide the reason, or purpose of the ELUR, the applicable restriction, the type and location of substances, whether such restriction will adequately protect human health and the environment, and why the restriction is consistent with the RSRs.

All Restriction Forms are included in the Application. If a Form does not apply, check “NA” (not applicable) on the Restriction Form(s) cover page. Those that are “NA” **will not be included** in the final ELUR package. To navigate directly to a Form, Ctrl-Click on the highlighted field.

Note: Further, within certain Restriction Forms are options that can be selected depending on site-specific circumstances. Within that Form, if an option is not needed, check “NA” (not applicable) and the option **will not be included** in the final ELUR package.

Note: The Restriction Form for each restriction can be used for one or multiple Subject Areas. Also, if the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department’s [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Residential Activity Restriction – Soil Form

As directed, check the applicable boxes and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs), semi-volatile organic compounds (*semi-VOCs*), metals, extractable total petroleum hydrocarbons (ETPH), etc. The location should be identified as the related Subject Area. For example: "Subject Area A - arsenic, lead, and ETPH."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If the restriction will be applied to only a portion of the Property please provide the information requested.

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Residential Direct Exposure Criteria and less than the Industrial/Commercial Direct Exposure Criteria for soil. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Residential Activity Restriction – Soil (PCBs) Form

As directed, check the applicable boxes and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by category, i.e., PCBs. The location should be identified as the related Subject Area.

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If the restriction will be applied to only a portion of the Property please provide the information requested.

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Residential Direct Exposure Criteria for PCBs in soil and less than the Industrial/Commercial Direct Exposure Criteria for PCBs in soil. Provide a figure that depicts the locations of these samples within the Subject Area.

If applicable, insert an electronic copy of EPA's approval of the PCB Notification pursuant to 40 CFR Part 761.61.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Exposure of Inaccessible Soil Restriction Form

This Restriction Form can be applied to inaccessible soil polluted with or without PCBs.

When an ELUR is in effect, the Direct Exposure Criteria for substances **other than polychlorinated biphenyls (PCBs)** do not apply to inaccessible soil.

When an ELUR is in effect, the Direct Exposure Criteria for PCBs that can be applied when the polluted soil is rendered inaccessible are:

- An alternative criterion as approved in accordance with Section 22a-133k-2(d)(7); or
- Ten (10) ppm PCBs by weight; or
- Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an other restricted access location as defined in 40 Code of Federal Regulations Part 761.123 (40 CFR 761.123); or
- Twenty-five (25) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation as defined in 40 CFR 761.123; or
- Fifty (50) ppm PCBs by weight if such inaccessible soil is located on a Property which is an outdoor electrical substation, as defined in 40 CFR 761.123, and a label or notice is visibly placed in the area in accordance with 40 CFR Part 761.

The purpose of the ELUR is to ensure that polluted soil rendered **inaccessible** will not be exposed, and the applicant is first directed to **select the specific “approach(es)” taken to render the polluted soil inaccessible** on the Property. Check the box for one or more of the following approaches, or “NA” if not applicable. Each approach is organized by section and numbered as follows:

- 1) More than four (4) feet below the ground surface;
- 2) More than two (2) feet below a paved surface comprised of a minimum of three (3) inches of bituminous concrete or concrete, which two (2) feet may include the depth of any material used as sub-base for the pavement;
- 3) Polluted fill beneath a bituminous concrete or concrete surface comprised of a minimum of three (3) inches of bituminous concrete or concrete if such fill is (i) polluted in excess of applicable Direct Exposure Criteria only by semi-volatile substances or petroleum hydrocarbons that are normal constituents of bituminous concrete, (ii) polluted by metals in concentrations not in excess of two (2) times the applicable Direct Exposure Criteria, or (iii) any combination of the substances or limits identified in clause (i) or (ii);
- 4) Beneath an existing building; and
- 5) Beneath an existing permanent structure provided written notice that such structure will be used to prevent human contact with such soil has been provided to the Commissioner.

Once selected, check the pertinent language addressing exposure of the inaccessible polluted soil. RCSA Section 22a-133k-2(b)(3) requires that “such soils will not be exposed as a result of excavation, demolition or other activities and that any pavement which is necessary to render such soil inaccessible is maintained in good condition.” Each “approach” section directs the applicant to affirm that the polluted soil will not be exposed as stated in the regulation, and in addition, when pertinent to the approach, the applicant will be directed to affirm that pavement will be maintained in good condition, and/or that demolition of the building or permanent structure will not be permitted. In all cases, the applicant is directed to affirm that the “surface”, whatever the case may be, will be repaired when necessary to maintain conditions that existed prior to any disturbance caused by natural occurrences. Examples of natural occurrences include erosion and frost heaves.

When pavement is necessary to render soil inaccessible, affirm that the pavement will be maintained in good condition in accordance with a maintenance and monitoring plan. The Title and Date of the plan is requested.

When an existing building or existing permanent structure is rendering the polluted soil inaccessible, affirm that demolition of the existing building or existing permanent structure **at the Subject Area** will not be permitted. Or, affirm that demolition of the **entire existing building or permanent structure** (including portions outside the Subject Area) will not be permitted.

Regarding excavation or other activities (disturbance), the regulation is silent on the degree to which the material rendering the soil inaccessible can or cannot be disturbed. Thus, in an effort to provide more options and flexibility, the Form has been updated to offer the applicant two options for disturbance, i.e., **No Disturbance** and a certain **Allowable Limited Disturbance**.

Allowable Limited Disturbance is an option that may be preferable to some Property Owners – for example, if applied, certain activities can be conducted without having to request a release from the ELUR. There are other circumstances, however, when the Property Owner may prefer that **No Disturbance** be allowed. Both of these options are available for all of the approaches used to render polluted soil inaccessible, and selection will be largely dependent on site-specific circumstances.

Completing the Form for **Option A - No Disturbance** is fairly straight forward. Check the boxes as directed, and enter the Subject Area designation in the space provided.

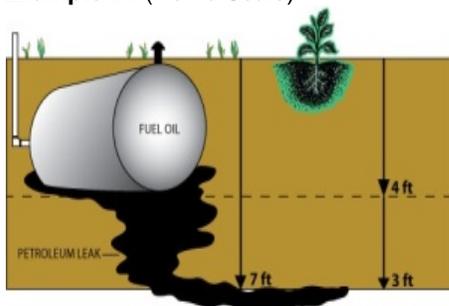
The concept of **Allowable Limited Disturbance** may require additional thought. When determining the depth of disturbance which is allowable the following factors *must be known* and evaluated:

- The depth to the polluted soil;
- The nature and concentration of the pollutants in the soil;
- The method used to render the polluted soil inaccessible;
- The type and depth of activity that may be performed in the future; and
- The manner that the Subject Area may be disturbed, e.g., by hand-held equipment or by heavy machinery.

Several examples are provided below to help illustrate the concept.

Polluted soil located at a depth greater than the approach used to render the soil inaccessible:

Example #1 (Not to Scale)



- It is known that the polluted soil resulted from an underground storage tank leak and the depth to polluted soil is more than seven (7) feet below grade;
- The polluted soil is rendered inaccessible by seven (7) feet of material;
- The type of activity that may be performed in the future is replacement and planting of annuals, shrubbery and trees with root balls which extend to a maximum depth of three (3) feet below grade; and
- The manner of disturbance will be by **hand-held equipment**.

The **Allowable Limited Disturbance** could be to four (4) feet below grade to allow for the activity, leaving a buffer of three (3) feet between the extent of disturbance and the polluted soil. Because hand-held equipment will be used, the depth of disturbance could go deeper (and the buffer would not have to be as thick), but this is not likely or necessary.

Completing the Form for **Option B – Allowable Limited Disturbance** would be straight forward in this case. The depth to polluted soil is entered as seven (7) feet, and excavation, demolition or other activities are prohibited at depths greater than four (4) feet.

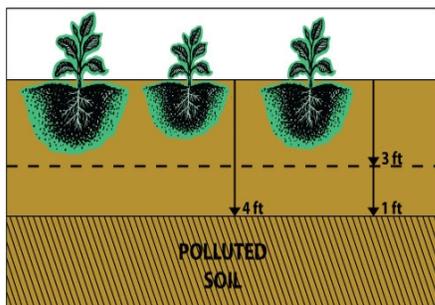
Example #2

If the same scenario is considered, but the type of activity that may be performed in the future is repair and maintenance of a sewer line at a depth of four (4) feet below grade, which would likely be conducted by using **heavy equipment**, the **Allowable Limited Disturbance** would differ because the depth needed to conduct the activity is greater and the method of disturbance is more intrusive. The **Allowable Limited Disturbance** could be to five (5) feet below grade to allow for the activity; leaving a buffer of two (2) feet between the extent of disturbance and the polluted soil.

To complete the Form for **Option B – Allowable Limited Disturbance** in this case, the depth to polluted soil is entered as seven (7) feet, and excavation, demolition or other activities are prohibited at depths greater than five (5) feet.

Polluted soil located immediately below the approach used to render the soil inaccessible:

Example #3 (Not to Scale)



- It is known that the polluted soil is at a depth of four (4) feet below grade because the remedial strategy taken included placing clean fill on top of the polluted soil to render it inaccessible;
- The type of activity that may be performed in the future is replacement and planting of annuals, shrubbery and trees with root balls which extend to a maximum depth of three (3) feet below grade; and
- The manner of disturbance will be by **hand-held equipment**.

The **Allowable Limited Disturbance** could be to three (3) feet below grade to allow for the activity, leaving a buffer of one (1) foot between the extent of disturbance and the polluted soil.

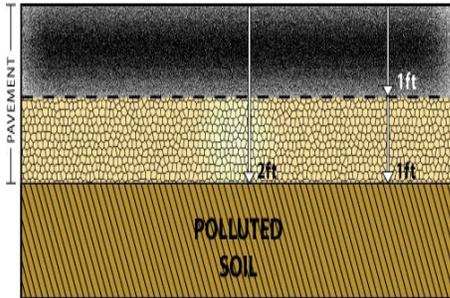
To complete the Form for **Option B – Allowable Limited Disturbance** in this case, the depth to polluted soil is entered as four (4) feet, and excavation, demolition or other activities are prohibited at depths greater than three (3) feet.

Example #4

If the same scenario is considered, but this time, landscaping may be performed with **heavy equipment**, the **Allowable Limited Disturbance** could be more conservative, i.e., to a depth of two (2) feet. The buffer in place would be two (2) feet.

To complete the Form for **Option B – Allowable Limited Disturbance** in this case, the depth to polluted soil is entered as four (4) feet, and excavation, demolition or other activities are prohibited at depths greater than two (2) feet.

Example #5 (Not to Scale)



- The nature of the polluted soil is “**polluted fill**” as described in the RSRs;
- The polluted soil is more than two (2) feet below a paved surface comprised of a minimum of three (3) inches of bituminous concrete or concrete, which two (2) feet may include the depth of any material used as sub-base for the pavement and rendered inaccessible;
- The type of activity that may be conducted in the future will include repair/replacement of the pavement; and
- The manner of disturbance may be with both **hand-held equipment** and **heavy machinery**.

The **Allowable Limited Disturbance** could be to one (1) foot below grade to allow for the activity, while still providing a buffer of one (1) foot between the extent of disturbance and the polluted soil. In this scenario, the pavement can be repaired and replaced without the need to obtain a release from the ELUR.

To complete the Form for **Option B – Allowable Limited Disturbance**, the depth to polluted soil is entered as two (2) feet, and excavation, demolition or other activities are prohibited at depths greater than one (1) foot.

Example #6

- The depth to the polluted soil is known and demarcated by geotextile or other similar barrier;
- The method of rendering the soil inaccessible could be any of the defined approaches; and
- The type of activity that may be conducted in the future could be any activity that would involve using **hand-held equipment**.

The **Allowable Limited Disturbance** could be to the depth of the geotextile or barrier. No additional overlying buffer may be needed.

The same line of thinking applies to polluted soil rendered inaccessible by an existing building or permanent structure. If the polluted soil is immediately beneath these structures, typically no disturbance would be allowed of the structures used to render the soil inaccessible. However, this will depend on the construction and thickness of the concrete slab, foundation or base of the permanent structure, and the factors mentioned above.

Once the restriction information is completed, identify the applicable type and location of substances at the Subject Area. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs), semi-volatile organic compounds (*semi-VOCs*), metals, extractable total petroleum hydrocarbons (*ETPH*), etc. The location should be identified as the related Subject Area. For example: "Subject Area B - arsenic, lead, and ETPH."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Direct Exposure Criteria for soil. Provide a figure that depicts the locations of these samples within the Subject Area.

If applicable, insert an electronic copy of EPA's approval of the PCBs Notification pursuant to 40 CFR Part 761.61.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction Form

When an ELUR is in effect, the Pollutant Mobility Criteria do not apply to environmentally isolated soil.

The purpose of the ELUR is to ensure that polluted soil rendered **environmentally isolated** will not be exposed to infiltration of soil water (water), and the applicant is first directed to **select the specific “approach(es)” taken to render the soil environmentally isolated** on the Property. Check the box for one or more of the following approaches, or “NA” if not applicable. Each approach is organized by section and numbered as follows:

- 1) Beneath an existing building; not a continuing source of pollution; not polluted with volatile organic substances or, if it is polluted with such substances, the concentration of such substances has been reduced in concentration to the maximum extent prudent; and above the seasonal high water table; and
- 2) Beneath another existing and permanent structure which the Commissioner has determined in writing would prevent the migration of pollutants; not a continuing source of pollution; not polluted with volatile organic substances or, if it is polluted with such substances, the concentration of such substances has been reduced in concentration to the maximum extent prudent; and above the seasonal high water table.

If the permanent structure option is selected, the Application directs the applicant to enter the following into the space(s) provided: a description of the permanent structure and the date of the Commissioner’s written determination that the permanent structure would prevent migration of pollutants. This determination should be obtained prior to completing the Application.

Examples of permanent structures include: loading docks, large above ground storage tanks, etc.

Once selected, check the pertinent language addressing exposure to infiltration of soil water. RCSA Section 22a-133k-2(c)(4)(A) requires that “such soil will not be exposed to infiltration of soil water due to, among other things, demolition of the building.” Each “approach” section provides the applicant with the option of prohibiting demolition, as the case may be, of the **building or permanent structure** in its entirety, or demolition of the building or permanent structure **at the Subject Area**.

The extent of building or permanent structure demolition will be site-specific and dependent on the structure’s construction. For instance, if the Subject Area is beneath a portion of an existing building which could remain and “stand-alone” as a building (roof, walls, and concrete building slab which collectively act to render polluted soil environmentally isolated), if the rest of the building were demolished, then demolition of the portion of the building **at the Subject Area** can be selected. This could be the case if the Subject Area is located at a section of the existing building that could essentially “stand-alone” because it is the original structure (the rest of the building was added over time). Otherwise, the first box should be checked which restricts demolition of the **entire building**.

The same concept applies to demolition of the permanent structure. For instance, if the Subject Area is beneath a portion of an existing permanent structure which could remain and function effectively to prevent infiltration of water if the rest of the permanent structure were demolished, then demolition of the portion of the permanent structure **at the Subject Area** can be selected. Otherwise, the first box should be checked which restricts demolition of the **entire permanent structure**.

Once the restriction information is completed, identify the applicable type and location of substances at the Subject Area. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs), semi-volatile organic compounds (*semi-VOCs*), metals, extractable total petroleum hydrocarbons (ETPH), etc. The location should be identified as the related Subject Area. For example: “Subject Area B – cadmium and ETPH.”

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s). **For volatile organic substances**, enter the title and date of the documentation submitted to the Connecticut Department of Energy and Environmental Protection that demonstrates that volatile organic substances located beneath the building or permanent structure have been reduced in concentration to the maximum extent prudent.

Supplemental Information (for technical review)

If the restriction will be applied to only a portion of the building or permanent structure please provide the information requested.

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Pollutant Mobility Criteria for soil. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Disturbance of Engineered Control and Polluted Soil Restriction Form

When an Engineered Control is in place, and an ELUR is in effect, the standards for soil remediation do not apply.

The purpose of the ELUR is to ensure such Property at which the subject release area is located will not be used in a manner that could disturb the Engineered Control or polluted soil, and the applicant is first directed to select the **type of Engineered Control(s)** used on the Property, i.e.,
1) Engineered Control to address exceedances of the Direct Exposure Criteria for soil only; or
2) Engineered Control to address exceedances of both the Direct Exposure Criteria and Pollutant Mobility Criteria for soil. Check the appropriate box, or "NA" if not applicable.

Once selected, check the pertinent language and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs), semi-volatile organic compounds (*semi-VOCs*), metals, extractable total petroleum hydrocarbons (ETPH), etc. The location should be identified as the related Subject Area. For example: "Subject Area B - lead and ETPH."

Lastly, affirm that the restriction is consistent with the RSRs by checking all boxes and entering the Subject Area designation(s). **Of particular note is that the applicant must affirm that the Description of the Engineered Control (As-Built which includes a brief description and a cross-section depiction) is attached to the ELUR.** Space is provided on the next page of the Application for this purpose. The Description will be included in the final ELUR.

The applicant is also directed to enter the following information:

- Date of the Commissioner's conditional approval of the Engineered Control Application;
- Title and date of the approved plan specifying the requirements for maintenance and monitoring of the Engineered Control;
- Date the mechanism for financial assurance was submitted to the Department; and
- Title and Date of the latest Annual Report which includes the status of financial assurance and the most recent Inspection and Maintenance Report submitted to the Department..

Supplemental Information (for technical review)

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

In addition to the Description, to supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Direct Exposure Criteria for soil, or Direct Exposure Criteria and Pollutant Mobility Criteria for soil. Provide a figure that depicts the locations of these samples within the Subject Area.

Copies of the Commissioner's conditional approval of the Engineered Control and the mechanism for financial assurance are also requested.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Residential Activity Restriction – Groundwater Form

As directed, check the applicable boxes and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs). The location should be identified as the related Subject Area. For example: "Subject Area B -vinyl chloride."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Residential Volatilization Criteria and less than the Industrial/Commercial Volatilization Criteria for groundwater. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Residential Activity Restriction – Soil Vapor Form

As directed, check the applicable boxes and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs). The location should be identified as the related Subject Area. For example: "Subject Area B – VOCs including tetrachloroethylene."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Residential Volatilization Criteria and less than the Industrial/Commercial Volatilization Criteria for soil vapor. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Building Construction Restriction Form

As directed, check the applicable boxes and enter the Subject Area designation in the spaces provided.

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include volatile organic compounds (VOCs). The location should be identified as the related Subject Area. For example: "Subject Area C - VOCs."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s).

Supplemental Information (for technical review)

If the restriction will be applied to only a portion of the Property please provide the information requested.

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Volatilization Criteria for groundwater. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Groundwater Use Restriction Form

If the Commissioner grants a variance due to Technical Impracticability of Groundwater Remediation from any Groundwater Protection Criterion, the person receiving the variance shall submit to the Commissioner certification that best efforts have been made to ensure that each owner of property overlying the subject groundwater plume records an ELUR which ensures that the subject groundwater plume is not used for drinking or other domestic purposes.

As directed, check the applicable boxes and enter the Subject Area designation(s).

Identify the applicable type and location of substances at the Subject Area in the space provided. The type of substance can be entered by name (for example, *trichloroethylene*) if applicable, or as a category of substances. Categories of substances may include: pesticides and volatile organic compounds (VOCs). The location should be identified as the related Subject Area. For example: "Subject Area C – dieldrin."

Lastly, affirm that the restriction is consistent with the RSRs by checking the applicable boxes and entering the Subject Area designation(s). The applicant is also directed to enter the Title and Date of the Commissioner's approval of the variance due to Technical Impracticability of Groundwater Remediation.

Supplemental Information (for technical review)

If the restriction will be applied to only a portion of the Property please provide the information requested.

If alternative language is proposed, please explain why the alternative language is needed, and then enter into the space provided.

If there is any other pertinent information that you would like to include as part of the Application, please enter in the space provided.

To supplement the Department's technical review of the Application, the Department requests that a copy of the Commissioner's approval of the variance due to Technical Impracticability of Groundwater Remediation and the type and location of substances be further defined in the form of tables and figures and inserted into the space provided.

Tables and figures that already exist in site investigation reports can be used to serve this purpose (no need to re-do tables and figures). If tables and figures do not already exist, please include the following in table form: sample location identification numbers, date collected, sample depth, and the substances detected at concentrations greater than the Groundwater Protection Criteria. Provide a figure that depicts the locations of these samples within the Subject Area.

If the Form does not capture all Subject Area/restriction combinations that may be needed, multiple copies of the same Restriction Form can be inserted (found on the Department's [Environmental Land Use Restrictions](#) webpage). The extra Form can be inserted, as directed, and the Department will ensure that the Form will be included in the final ELUR.

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Exhibit C. ELUR Class A-2 Survey

As required by RCSA Section 22a-133q-1(d), when submitting a proposed ELUR to the Commissioner for review and approval, the owner shall simultaneously submit an ELUR Class A-2 Survey ("survey") of the Property or portion thereof which is the subject of the proposed ELUR.

Further definition of the ELUR Class A-2 Survey is given in RCSA Section 22a-133q-1(a) which references several standards that the survey must conform to, and also lists a number of specific features that must be depicted.

To summarize these requirements an **ELUR Class A-2 Survey Submittal Checklist** has been developed. The Department suggests that the checklist be followed by the applicant when preparing the ELUR survey, but it is not necessary to include the checklist with the Application. The checklist includes elements required by regulation as well as items suggested as guidance (identified by footnote).

Exhibit C in the Application is not protected in Word to allow the applicant to insert an electronic copy of the draft ELUR Class A-2 Survey (unsigned and unsealed). To insert electronic documents see [Instructions -- How to electronically embed an Object into the Application](#).

If the Department has questions or comments, they will be entered directly on the checklist and sent to the Primary Contact for review.

When all comments have been satisfactorily addressed, the Department will request that a full-size paper copy of the final survey signed and sealed in accordance with RCSA Section 20-300b-20, Article VI, including the signature and embossed (raised) seal of a **surveyor currently licensed by the State of Connecticut**, be submitted.

Note: An ELUR can apply to an entire Property or a portion thereof. In the majority of cases it is more useful and practical to prepare the survey for the entire Property. However, if the concept of depicting only a portion of the Property is being considered, it is suggested that the checklist be applied/followed first to evaluate regulatory requirements. Ultimately the decision will be dependent on a number of Property-specific and ELUR-specific variables, which should be evaluated and considered by the parties preparing the Application (i.e., the surveyor, attorney and environmental professional).

If the survey will depict only the portion of the Property that includes the Subject Area, the area in and around the Subject Area should be depicted with sufficient landmarks to locate the Subject Area in relation to the Property boundaries.

Also of particular note in these cases is that Exhibit A (Property description), which would ordinarily be derived from the full Property survey, can be based on the Property's current record description.

Questions can be directed to the ELUR Coordinator at DEEP.ELUR@ct.gov.

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ELUR Class A-2 Survey Submittal Checklist

<input type="checkbox"/>	1. The survey is one of the Property/Boundary or Limited Property/Boundary survey types, to Class A-2 accuracy as indicated by note on the face of the map, with the survey type also indicated in the map title. ¹
<input type="checkbox"/>	2. Pursuant to RCSA Sections 20-300b-1 through 20-300b-20, the Boundary Determination Category for existing boundaries is a First Survey or a type of Resurvey as indicated by note on the face of the map. ¹
<input type="checkbox"/>	3. The survey submitted with the draft ELUR application is marked "DRAFT", has a draft date or number, and is unsigned and unsealed. ² Note: When the ELUR and accompanying survey are final and ready for recording on the municipal land records, the final survey shall be signed and sealed in accordance with RCSA Section 20-300b-20, Article VI, including the signature and embossed (raised) seal of a surveyor currently licensed by the State of Connecticut. ¹
<input type="checkbox"/>	4. The survey is legible when copied in black and white. ²
<input type="checkbox"/>	5. The survey title is: "Easement Map, Exhibit C of the Declaration of Environmental Land Use Restriction and Grant of Easement, [Grantor's Legal Name and Address of Property/Facility]" or "Easement Map, [Grantor's Legal Name and Address of Property/Facility], Declaration of Environmental Land Use Restriction and Grant of Easement, Exhibit C." ²
<input type="checkbox"/>	6. The Grantor's Legal Name, and address of the Property/Facility is the same as provided in the ELUR Declaration Document. ²
<input type="checkbox"/>	7. The survey includes a vicinity map showing the Property surveyed in reference to nearby highway(s) or major street intersection(s). ¹
<input type="checkbox"/>	8. The survey depicts the boundaries of the Property by course and distance, together with the metes and bounds description corresponding to the survey (i.e., indicated by note on face of the map). ¹ The survey depicts the location of the Subject Area in relation to the boundaries of the Property and visible site features (e.g., buildings and other improvements). ¹
<input type="checkbox"/>	9. If the survey depicts only the portion of the Property subject to the ELUR, the survey depicts: 1) the boundaries of the overall Property based on the current record description; 2) the boundaries of the Subject Area by course and distance together with the metes and bounds description corresponding to the survey (i.e., indicated by note on face of map); and 3) the location of the Subject Area in relation to the boundaries of the overall property and visible site features within or affecting the Subject Area (e.g. buildings and other improvements). ¹
<input type="checkbox"/>	10. The approximate latitude and longitude of the center of the Property is plotted and labeled on the survey, in decimal degrees, referred to the North American Datum of 1983 with an accuracy within 5 meters. ¹
<input type="checkbox"/>	11. The survey of the Subject Area has a Boundary Determination Category of Original Survey if new, and First Survey and/or a type of Resurvey if already existing, as indicated by note on the face of the map. ¹
<input type="checkbox"/>	12. Subject Area boundary line discrepancies that may result in approximate boundaries have been resolved or do not exist, as indicated by note on the face of the map. ²
<input type="checkbox"/>	13. The Subject Area is clearly identified and labeled on the survey as "ELUR Subject Area A", "ELUR Subject Area B", etc. ^{1,2}
<input type="checkbox"/>	14. Although monumentation of the ELUR Subject Area is not required by RCSA Section 22a-133q-1(a), it is strongly recommended when deemed useful. ² If monumentation is used to mark the extent of the Subject Area , the monumentation must conform with Section 20-300b-14 and their location and type must be indicated on the survey. ¹

ELUR Class A-2 Survey Submittal Checklist

<input type="checkbox"/>	<p>15. The location of all improvements, including but not limited to: buildings, parking structures, parking lots, sidewalks, billboards, loading docks and sheds are depicted. ¹ If no improvements were observed, this is indicated by note on the face of the map. ²</p>
<input type="checkbox"/>	<p>16. The location and type(s) of impervious surfaces at the Property, including but not limited to, asphalt, concrete, and bituminous concrete surfaces are depicted. ¹ If no impervious surfaces were observed, this is indicated by note on the face of the map. ²</p>
<input type="checkbox"/>	<p>17. The location and type(s) of pervious surfaces at the Property, including but not limited to, grass, landscaped areas, fields, wooded areas, and any other undeveloped areas are depicted. ² If no pervious surfaces were observed, this is indicated by note on the face of the map. ²</p>
<input type="checkbox"/>	<p>18. The survey depicts the location and width of all plottable recorded easements, including utility lines, rights of way and building setback lines with references to the book and page number for the instrument granting the same. ¹ If no recorded easements were found, this is indicated by note on the face of the map. ² If unplottable recorded easements were found, reference the book and page number by note on the face of the map. ¹</p>
<input type="checkbox"/>	<p>19. The survey depicts the location of evidence of unrecorded easements observed when conducting the survey. ¹ If none were observed, this is indicated by note on the face of the map. ²</p>
<input type="checkbox"/>	<p>20. The survey depicts the location of utilities existing on or serving the surveyed Property as determined by: ¹</p> <p>a) Observed evidence, as indicated by note on the face of the map.</p> <p>or</p> <p>b) Observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources (with reference as to the source of information), as indicated by note on the face of the map.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Railroad tracks, spurs and sidings; • Manholes, catch basins, valve vaults and other surface indications of subterranean uses; • Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of a potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and • Utility company installations on the surveyed property. <p>Note: Source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Excavation may be needed if additional or more detailed information is necessary to locate utilities which are in close proximity to a Subject Area where disturbance will be restricted by the ELUR. ²</p> <p>OR, if no utilities were identified, this is indicated by note on the face of the map. ²</p>
<input type="checkbox"/>	<p>21. The survey identifies by note, and locates if plottable, all encroachments and restrictions affecting the Property. ¹ If no encroachments or restrictions were found affecting the Property, this is indicated by note on the face of the map. ²</p>

ELUR Class A-2 Survey Submittal Checklist

<input type="checkbox"/>	22. The survey depicts evidence of physical access to a public way, such as, but not limited to, curb cuts and driveways and to and from waters on or adjoining the Property, such as paths, boat slips, launches, piers and docks. ¹ If no evidence of physical access to a public way was observed, this is indicated by note on the face of the map. ²
<input type="checkbox"/>	23. The survey depicts proposed changes in street right of way lines, if information is available from the controlling jurisdiction, and observed evidence of recent street or sidewalk construction or repairs. ¹ If no information regarding proposed changes was available, and no evidence of recent street or sidewalk construction or repairs were observed, this is indicated by note on the face of the map. ²
<input type="checkbox"/>	24. The current zoning classification is noted (e.g., R-1 Zone) along with a short description indicated by note on the face of the map. ^{1,2}
<input type="checkbox"/>	25. The survey depicts the names of adjoining owners of platted lands according to current public records. ¹
<input type="checkbox"/>	26. The survey depicts observed evidence of current earth moving work, building construction or building additions. ¹ If no evidence of earth moving work, building construction or building additions was observed, this is indicated by note on the face of the map. ²

¹ Information required pursuant to RCSA Section 22a-133q-1(a).

² Information not required by RCSA Section 22a-133q-1(a), but requested to help facilitate the Commissioner's "Lean" review and approval.

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Section E. Signatory Responsibility and Ownership Form

Pursuant to CGS Section 22a-133o, only the current owner of the Property or a duly designated agent of the Property Owner may execute and record an ELUR. This section of the Application is designed to verify that the individual signing the ELUR is the current Property Owner, or the duly designated agent for the Property Owner.

Part I. Property Information – Physical Location

This section will auto-populate with the information provided by the applicant in Section A, Part I of the Application.

Part II. Property Owner Information

This section will auto-populate with the information provided by the applicant in Section A, Part II of the Application. If there is more than one Property Owner, simply refer the reader back to the contact information entered in Section A.

Part III. Applicant Type and Duly Designated Agent

Check the box to identify the entity type that owns the Property and note the individual who signs the ELUR documents.

Part IV. Duly Designated Agent

Provide the legal name, title and other requested information for the duly designated agent. If there are more than one, Part IV. should be completed for each agent. The next page is not locked, and the Duly Designated Agent information block can be copied and pasted as needed.

For the named individual(s), provide the effective date of authorization to sign ELUR-related documents. This date may reflect ongoing authority, or a prospective date when the authority will begin.

Check the box to affirm that the designated agent(s) is currently duly authorized to: 1) transfer an interest in real estate for the Property identified in Section A, Part I, and 2) sign the ELUR on behalf of the Property Owner identified in Section A, Part II.

Indicate whether this person is replacing a previously designated individual, and if yes, list the name(s) of the previous designee(s). Indicate whether this person is in addition to a previously designated individual, and if yes, list the name(s) of additional designee(s).

Part V. Supporting Documents

Attachment A

All entities must include Attachment A which is the current deed showing that the Grantor is the owner of the Property. The deed must show the volume and page of the municipal land records where such deed is recorded. Insert an electronic copy of the deed into Attachment A.

Attachment B

If the Property is not owned by an individual, all entities (corporation, limited liability company, etc.) must also include a second attachment, Attachment B. Attachment B is a form of legal documentation that states that the duly designated agent has the authority to sign ELUR-related documents on behalf of the Grantor. Insert an electronic copy of the document into Attachment B.

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Section F. Subordination Agreements and Waiver Requests Form – Analysis of Land Title, A-2 Survey and Property Owner Affidavit

Pursuant to Section 22a-133o of the CGS, title interests in the Property must not affect the ELUR. An interest includes any right in or potential claim to the Property, for example, mortgages, liens, leases, easements, etc. If an interest does affect the purpose of the ELUR, it must be released or irrevocably subordinated to the ELUR through a “subordination agreement”. If the interest is so minor that it does not affect the purpose of the ELUR, a waiver (approved by the Commissioner) from the requirement to obtain a subordination agreement (“waiver”) must be requested for that interest. This section of the Application is designed to provide the information needed to make this determination, and should be completed as follows:

Part I. Preparer Information

Provide the indicated information for the preparer of the Section.

Part II. Title Search Information

Provide the date of the title search.

Note: The title search should be conducted as near to the date of the Application as possible. The effective date of the title search should be no more than one year prior to the Application submittal.

Provide the name of the person who prepared the title search and their address.

Check the box to affirm that an electronic copy of the title search is inserted into **Attachment C**.

Enter the number of items listed in the title search, and check the box to affirm that all items in the title search are listed in Part V of the Application.

Part III. Optional Preliminary Certificate of Title

Preparation and submittal of a preliminary certificate of title (COT) is optional. If applicable, check the box to indicate that an electronic copy of a preliminary (COT) is inserted into **Attachment D**.

Part IV. Supporting Information

Affirm in Part IV that electronic copies of deeds and maps - **ONLY for those that a subordination agreement waiver is requested** - are inserted into **Attachment E**. If the subordination agreements are obtained at the time the Application is submitted, affirm that electronic copies of these documents are also inserted into **Attachment E**.

Note: The subordination agreements must be signed and included with the ELUR when it is recorded. If not signed until that time, there is no need to submit to the Department separately – they should be included with the final ELUR after recording.

And lastly, affirm that a draft, unsigned electronic copy of the Property Owner Affidavit is inserted into **Attachment F**. This too will be signed later in the process (as directed by the Department).

Part V. Land Title Analysis (Table 1) AND A-2 Survey and Property Owner Affidavit Analysis (Table 2)

Land Title Analysis

As indicated, a title search for the Property should be conducted to identify any title interests. Examples of interests include: mortgages, liens, leases, easements, restrictions, and claims.

Table 1 “Land Title Analysis” has been developed as a tool to help determine, as well as document, if the exceptions in the title search are interests, and subsequently, whether subordination agreements and/or waivers are required.

OF PARTICULAR NOTE: This section is not locked to allow the applicant to copy and insert more rows as needed. Since the page is unprotected, the check boxes will not be filled when clicked on. For each response, please delete the check box and enter an X in its place.

List each exception noted in the title search on Table 1. Provide the exception number from the title search, the volume and page (if applicable), and a brief description of each exception.

Answer the “Yes/No” questions within the “Interest in Land Analysis” column to determine: 1) if the exception is an interest in the land; 2) if the interest will be released; 3) if a subordination agreement is required and will be obtained; and/or 4) if a waiver from the Commissioner is requested. If a waiver is requested, the rationale for the waiver must be explained in sufficient detail to make this determination. If subordination agreements have already been obtained at the time the Application is submitted, insert electronic copies into **Attachment E**.

To provide further instruction, examples of a number of title exceptions and the subsequent subordination/waiver results are provided on Table 1 below.

ELUR Class A-2 Survey/Property Owner Affidavit Analysis

Unrecorded items, such as, encroachments, utility lines not supported by easements, unrecorded leases, and boundary line disputes may be potential interests and affect the ELUR. Oftentimes, these are discovered when the ELUR Class A-2 Survey is prepared and evaluated for these items, and/or they are identified by the Property Owner. The attached “Property Owner’s Affidavit” has been developed to help identify potential interests that may not otherwise be known or documented (copy available on the [Environmental Land Use Restrictions](#) webpage. The form should be submitted draft with the Application (inserted into **Attachment F**) and can be signed at the time that the Grantor signs the final Declaration Document.

As potential interests are identified (items), list each on Table 2. For each, check the applicable box to identify the type of item, provide a brief description, and identify its location.

The “ELUR Impact Analysis” then asks if the item will affect the ELUR. If **Yes**, continue to the last column and indicate if a subordination agreement will be obtained. If a subordination agreement will not be obtained, check **No**, and explain why in the space provided.

If during the “ELUR Impact Analysis” the answer to the question “Will the Item Affect the ELUR” is **No**, check the box providing the rationale. Three of the more common rationales are provided as options. These are: 1) the item is located outside of the ELUR Subject Area(s); 2) the item (namely, certain utility lines not supported by easements) is subject to [Section 16-237](#) of the CGS; and 3) the Property Owner is responsible for the item. If there is another explanation, please describe in the “Other” space provided.

Note: CGS Section 16-237 states that “No person or corporation building and maintaining telegraph, telephone or electric light or power wires or fixtures, or electrical wires, conductors or fixtures of any kind shall, by reason of any occupation or use of any buildings or lands for the support of the wires of such person or corporation, or by reason of such wires passing over or through any buildings or lands, acquire by the continuance of such use or occupation any prescriptive right to so occupy or use the same. No length of possession, user or occupancy of any buildings or land, or adverse to any easement therein or right thereto belonging to a telegraph, telephone or electric light or power corporation, and used or acquired for use for its corporate purposes, shall create or continue any right in or to such land, or adverse to any such easement”.

Therefore, the presence of these “utility fixtures”, i.e., telegraph, telephone or electric light or power wires or fixtures, or electrical wires, conductors or fixtures of any kind, do not create an interest or a prescriptive right in the real estate. The utility company’s rights, if any, originate from the Property Owner and are therefore subject to the terms of the ELUR.

Likewise, other utilities, such as municipal storm and sanitary sewers, water lines, or above ground lines that

connect improvements on the Property to existing distribution lines and are not supported by a recorded instrument, are subject to the terms of the ELUR. In these cases, it is presumed that the Property Owner is aware of the ELUR and its restrictions, and will take the proper steps to comply with the ELUR or obtain a release of the ELUR when necessary.

If utilities do exist under these circumstances in a Subject Area where disturbance will be restricted, it is requested that the Property Owner provide notice of the existence of the pollution in the Subject Area to the utilities by forwarding a copy of the recorded ELUR by certified mailing to the real estate department of the respective utility company. The notice should be provided within seven (7) days of recording the ELUR and a copy of the notice and receipt of delivery forwarded to the Department within thirty (30) days.

Examples of potential unrecorded interests and the subsequent subordination/waiver results are provided on Table 2.

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Part V. Land Title Analysis (Table 1) AND A-2 Survey Analysis and Property Owner Affidavit Analysis (Table 2)

This section is currently not locked to allow the applicant to copy and insert more rows as needed. Since the page is unprotected, the check boxes will not be filled when clicked on. For each response, please delete the check box and enter an X in its place.

Note: These tables have been designed in landscape orientation. If you view the tables in Print-Preview, or print, and the page appears to be cut-off, ensure that the printer properties of the default printer selected is set at landscape and paper size is set to 8 ½" x 14" (Legal).

Table 1. Land Title Analysis

There were no items found on the title search or Optional Preliminary Certificate of Title

or

The following items were found on the title search or the Optional Preliminary Certificate of Title

Title Exception #	Volume/Page	Description	Interest in Land Analysis
1		<p>Real Estate Taxes to the City/Town</p> <p><i>Taxes are paid, none are currently due, and no tax lien has been recorded. Since taxes are current and a tax lien has not been recorded, this exception is not an interest in the land and no subordination is required.</i></p>	<p>Is this an interest in Land?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will the interest be released?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will a subordination be obtained?</p> <p><input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/> <input type="checkbox"/> Other: <input type="text"/></p>
2	1372/77	<p>Mortgage for the Property</p> <p><i>A mortgage constitutes an interest in the land which requires a subordination agreement. This agreement has been obtained and the form of subordination is attached.</i></p>	<p>Is this an interest in Land?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Will the interest be released?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will a subordination be obtained?</p> <p><input checked="" type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="text"/> <input type="checkbox"/> Other: <input type="text"/></p>

3	883/102	Grant of Perpetual Easement and Right-of-Way - to allow access to separate parcel behind the property	Is this an interest in Land? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Will the interest be released? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Will a subordination be obtained? <input type="checkbox"/> YES If obtained, attach to Application. <input checked="" type="checkbox"/> NO, a waiver of the subordination requirement is requested. Rationale for waiver: <input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input checked="" type="checkbox"/> Other: <i>Example rationale: The ELUR prohibits residential activity at the Subject Area. The easement is within Subject Area A, but is so minor that it does not affect the purpose of the ELUR.</i>
4	1003/495	Utility Easement - for maintenance of sub-grade piping	Is this an interest in Land? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Will the interest be released? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Will a subordination be obtained? <input type="checkbox"/> YES If obtained, attach to Application. <input checked="" type="checkbox"/> NO, a waiver of the subordination requirement is requested. Rationale for waiver: <input checked="" type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Other: _____
5	1003/789	Utility Easement – pole and anchor easements granted to electric power company	Is this an interest in Land? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Will the interest be released? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Will a subordination be obtained? <input type="checkbox"/> YES If obtained, attach to Application. <input checked="" type="checkbox"/> NO, a waiver of the subordination requirement is requested. Rationale for waiver: <input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input checked="" type="checkbox"/> Other: <i>Example rationale: The rights provided are associated with a distribution pole serving the facility and located within ELUR Subject Area B (disturbance will be restricted by the ELUR). However, according to the utility operations chief, the depth of private distribution poles is 5-6 ft below grade. It is known that the residual contamination in Subject Area B is located at a depth in excess of 13 ft below grade, and a Waiver is requested.</i>
6	1902/31	Utility Easement – underground utilities	Is this an interest in Land? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Will the interest be released? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES If obtained, attach to Application. <i>Example: the easement allows for underground conduits within a Subject Area (disturbance will be restricted at depths greater than 2 feet by the ELUR). The conduit is installed at 4 or more feet below grade therefore a subordination is required.</i> <input type="checkbox"/> NO, a waiver of the subordination requirement is requested. Rationale for waiver:

Title Exception #	Volume/Page	Description	Interest in Land Analysis
1		<p>Real Estate Taxes to the City/Town</p> <p><i>Taxes are paid, none are currently due, and no tax lien has been recorded. Since taxes are current and a tax lien has not been recorded, this exception is not an interest in the land and no subordination is required.</i></p>	<p>Is this an interest in Land?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will the interest be released?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Will a subordination be obtained?</p> <p><input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input type="checkbox"/> Other: _____</p>
2	1372/77	<p>Mortgage for the Property</p> <p><i>A mortgage constitutes an interest in the land which requires a subordination agreement. This agreement has been obtained and the form of subordination is attached.</i></p>	<p>Is this an interest in Land?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Will the interest be released?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will a subordination be obtained?</p> <p><input checked="" type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input type="checkbox"/> Other: _____</p>
3	883/102	<p>Grant of Perpetual Easement and Right-of-Way - to allow access to separate parcel behind the property</p>	<p>Is this an interest in Land?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Will the interest be released?</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will a subordination be obtained?</p> <p><input type="checkbox"/> YES If obtained, attach to Application. <input checked="" type="checkbox"/> NO, a waiver of the subordination requirement is requested.</p> <p>Rationale for waiver:</p> <p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input checked="" type="checkbox"/> Other: <i>Example rationale: The ELUR prohibits residential activity at the Subject Area. The easement is within Subject Area A, but is so minor that it does not affect the purpose of the ELUR.</i></p>
			<p><input type="checkbox"/> Interest is located outside of the ELUR Subject Area(s) _____ <input type="checkbox"/> Other: _____</p>

This section is currently not locked to allow the applicant to copy and insert more rows as needed. Since the page is unprotected, the check boxes will not be filled when clicked on. For each response, please delete the check box and enter an X in its place.

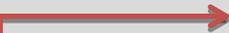
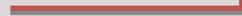
Note: These tables have been designed in landscape orientation. If you view the tables in Print-Preview, or print, and the page appears to be cut-off, ensure that the printer properties of the default printer selected is set at landscape and paper size is set to 8 ½" x 14" (Legal).

Table 2. ELUR Class A-2 Survey/Property Owner Affidavit Analysis

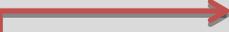
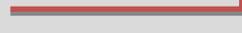
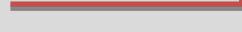
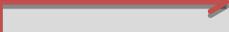
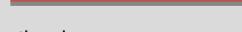
Upon further evaluation, there are no potential interests affecting the Property.

or

The following were identified as potential interests affecting the Property:

Item	Description	Location of Item	ELUR Impact Analysis	
<input type="checkbox"/> Encroachment <input checked="" type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appear to be several underground utilities that do not have recorded easements. For example:</i></p> <p>Private Water Company Supply Line</p>	<input checked="" type="checkbox"/> Item is located outside of the ELUR Subject Area(s) B <i>(The ELUR prohibits disturbance at Subject Area B).</i> <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	<p>Will the Item Affect the ELUR? </p> <input type="checkbox"/> YES  <input checked="" type="checkbox"/> NO, rationale: <input checked="" type="checkbox"/> Item is located outside of the ELUR Subject Area(s) B . <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	
<input type="checkbox"/> Encroachment <input checked="" type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appear to be several underground utilities that do not have recorded easements. For example:</i></p> <p>Private Water Company Supply Line</p> <p><i>The water company was contacted and it was determined that the company's rights end at the water shut-off valve, which is located outside Subject Area B and/or is accessible without any disturbance.</i></p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <i>(The ELUR prohibits disturbance at Subject Area B).</i>	<p>Will the Item Affect the ELUR? </p> <input type="checkbox"/> YES  <input checked="" type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input checked="" type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	

Item	Description	Location of Item	ELUR Impact Analysis	
<input type="checkbox"/> Encroachment <input checked="" type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appear to be several underground utilities that do not have recorded easements. For example:</i></p> <p>Municipal Sanitary Sewer and Storm Sewer Lines</p> <p><i>The municipality was contacted and it was determined that the sewer lines on the Property are service connections to improvements located on the Property. Therefore, the lines are the Property Owner's responsibility until they enter the main lines on the street.</i></p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <p><i>(The ELUR prohibits disturbance at Subject Area B).</i></p>	<p>Will the Item Affect the ELUR?</p> <input type="checkbox"/> YES  <input checked="" type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input checked="" type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	<p>A subordination will be obtained:</p> <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, explain:
<input type="checkbox"/> Encroachment <input checked="" type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appear to be utilities that do not have recorded easements. For example:</i></p> <p>Poles for Power/Telephone Line – Line is a transmission/distribution line that crosses the Property but does not provide service to the Property.</p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <p><i>(The ELUR prohibits disturbance at Subject Area B).</i></p>	<p>Will the Item Affect the ELUR?</p> <input type="checkbox"/> YES  <input checked="" type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	<p>A subordination will be obtained:</p> <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, explain:
<input type="checkbox"/> Encroachment <input checked="" type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appear to be utilities that do not have recorded easements. For example:</i></p> <p>Telephone Lines</p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <p><i>(The ELUR prohibits disturbance at Subject Area B).</i></p>	<p>Will the Item Affect the ELUR?</p> <input type="checkbox"/> YES  <input type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:	<p>A subordination will be obtained:</p> <input type="checkbox"/> YES If obtained, attach to Application. <input type="checkbox"/> NO, explain:

Item	Description	Location of Item	ELUR Impact Analysis
<input checked="" type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the A-2 Survey, there appears to be an encroachment on the Property. For example:</i></p> <p>Adjacent Neighbor's Fence</p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <p><i>(The ELUR prohibits disturbance at Subject Area B).</i></p>	<p>Will the Item Affect the ELUR? </p> <input checked="" type="checkbox"/> YES  <input type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input checked="" type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<p><i>As indicated by the Property Owner's Affidavit, there is a boundary line dispute. For example:</i></p> <p>Adjacent Neighbor Disagrees with the Property Metes and Bounds Description</p>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input checked="" type="checkbox"/> Item is located inside of the ELUR Subject Area(s) B <p><i>(The ELUR prohibits disturbance at Subject Area B).</i></p>	<p>Will the Item Affect the ELUR? </p> <input checked="" type="checkbox"/> YES  <input type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:
<input type="checkbox"/> Encroachment <input type="checkbox"/> Utilities with no recorded easement <input type="checkbox"/> Boundary Line Dispute <input type="checkbox"/> Other:	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>	<input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item is located inside of the ELUR Subject Area(s)	<p>Will the Item Affect the ELUR? </p> <input type="checkbox"/> YES  <input type="checkbox"/> NO, rationale: <input type="checkbox"/> Item is located outside of the ELUR Subject Area(s) <input type="checkbox"/> Item subject to Section 16-237 of the CGS– notice of recorded ELUR to be provided to utility. <input type="checkbox"/> Property Owner is responsible for the item. <input type="checkbox"/> Other:

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Section G. Certification of Completeness of ELUR Application Form

The ELUR can be certified complete by submitting the following documents with the Application (all are provided on the Department's [Environmental Land Use Restrictions](#) webpage):

Property Owner Certification

The Department suggests that the Property Owner(s) or duly designated agent(s) identified in Section E sign the certification and insert an electronic copy into Section G of the Application. If there is more than one Property Owner or duly designated agent, separate forms can be completed for each.

Preparer Certification for all Sections (except Section F)

The Department suggests that the preparer(s) for Sections A, B, C, D, and E sign the certification and insert an electronic copy into Section G of the Application. If there is more than one preparer, separate forms can be completed for each.

Preparer Certification for Section F

The Department suggests that the preparer(s) for Section F sign the certification and insert an electronic copy into Section G of the Application. If there is more than one preparer, separate forms can be completed for each.

Optional Statement by Licensed Environmental Professional Form

The LEP may provide certification that the information presented in the Decision Document is true, accurate and complete, representative of site conditions, and that the restrictions contained in the proposed ELUR will effectively protect public health and the environment from the hazards of pollution. Insert an electronic copy into Section G of the Application.

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Section H. Submittal Addresses and Other Important Contact Information

Please submit the completed Application to:

In electronic form – Submit to a State of Connecticut Secure File Transfer website which has been developed exclusively for this purpose.

To mail the Application, follow the link --- <https://sfile.ct.gov>

Enter Username: deepelurup

Enter Password: Deepelur13

Select the **ELUR Application** folder 

Click on **Browse** to select your file

Click on **Upload File**

Once uploaded, the document is protected for privacy reasons and can not be removed.

If for any reason you would like to delete the submittal, let us know by contacting DEEP.ELUR@ct.gov.

Sign Out

Please simultaneously submit an e-mail to DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address) advising that the Application has been submitted. An automated response will be immediately generated to confirm the Department's receipt.

OR

In paper copy form -

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

Attention: New Proposed ELUR Application

Please submit all correspondence regarding specific ELUR applications and general ELUR questions to:

DEEP.ELUR@ct.gov (RE: Property/Facility Name and Address).

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Examples of ELUR Related Correspondence

Note: The Department letters provided above are for illustrative purposes only and are subject to change without notice.

Example Notice of Administrative Deficiency (NOAD) – Sent by e-mail



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
(860) 424-3705 www.ct.gov/deep/remediation

ELECTRONIC COPY

Notice of Administrative Deficiency (NOAD) Environmental Land Use Restriction

Sent by Electronic Mail on Date

Primary Contact Name
Primary Contact E-Mail Address

RE: Property/Facility Name
Address

RE MID# RE MID#

On Date ELUR Received, the Remediation Division of the Bureau of Water Protection and Land Reuse ("Department") received an Environmental Land Use Restriction (ELUR) application for the above referenced Property. As given in the Department's ***"Instruction and Guidance for Completing the Application for Environmental Land Use Restriction for the Commissioner's Review and Approval Revised September 2013"*** ("Instructions") the ELUR application processing begins with an administrative completeness review. Completeness is determined by evaluating the submittal versus the ELUR Draft Submittal Checklist ("Checklist").

Note: The Checklist includes items required pursuant to [Section 22a-133g-1](#) of the Regulations of Connecticut State Agencies (RCSA), as amended, as well as additional information requested to help facilitate the Commissioner's review and approval (both are identified by footnote).

Upon initial review, it appears that the above referenced ELUR application may not be administratively complete. Specifically, the element(s) that appear to be deficient are checked on the Checklist below:

Environmental Land Use Restriction (ELUR) Application Submittal	
<input type="checkbox"/>	Transmittal Form ²
ELUR Application	
<input type="checkbox"/>	Section A. Application Information ²
<input type="checkbox"/>	Section B. Public Notice of Grantor's Intent to Record an ELUR ¹ <input checked="" type="checkbox"/> Electronic copy of Certified Copy of Public Notice inserted into space provided ¹
<input type="checkbox"/>	Section C. Declaration of Environmental Land Use Restriction and Grant of Easement ¹
<input type="checkbox"/>	Exhibit A. Property Description (Metes and Bounds) ¹
<input type="checkbox"/>	Exhibit B: Decision Document Overview ¹
<input type="checkbox"/>	Exhibit B: Decision Document Restriction Form(s) ¹
<input type="checkbox"/>	<input checked="" type="checkbox"/> Electronic copies of tables/figures inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Electronic copy of EPA's approval of the PCBs Notification pursuant to 40 CFR Part 761.61 inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Electronic copy of the Commissioner's conditional approval of Engineered Control inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Electronic copy of the Description of Engineered Control (As-Built) inserted into applicable Restriction Form ¹
<input type="checkbox"/> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Electronic copy of the mechanism for financial assurance for the Engineered Control inserted into applicable Restriction Form ²
<input type="checkbox"/> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Electronic copy of the Commissioner's approval of the variance due to Technical Impracticability of Groundwater Remediation inserted into applicable Restriction Form ²
<input type="checkbox"/>	Exhibit C. ELUR Class A-2 Survey ¹
<input type="checkbox"/>	<input checked="" type="checkbox"/> Electronic copy of draft ELUR Class A-2 Survey (marked draft and unsigned) inserted into Exhibit C ¹
<input type="checkbox"/>	Section E. Signatory Responsibility and Ownership Form ²
<input type="checkbox"/>	Attachment A. Copy of Current Deed ² <input checked="" type="checkbox"/> Electronic copy of current deed inserted into Attachment A
<input type="checkbox"/> <input type="checkbox"/> N/A	Attachment B. Copy of Document(s) which Demonstrates the Duly Designated Agent is Authorized to Sign on Behalf of the Grantor ² <input checked="" type="checkbox"/> Electronic copy of signed document(s) inserted into Attachment B
<input type="checkbox"/>	Section F. Subordination Agreements and Waiver Requests Form - Analysis of Land Title, A-2 Survey and Property Owner Affidavit ²
<input type="checkbox"/>	Attachment C. Copy of Title Search ² <input checked="" type="checkbox"/> Electronic copy of title search inserted into Attachment C

Environmental Land Use Restriction (ELUR) Application Submittal

<input type="checkbox"/>	Attachment D. Copy of Optional Preliminary Certificate of Title ²
<input type="checkbox"/> N/A	✓ Electronic copy of optional preliminary COT inserted into Attachment D
<input type="checkbox"/>	Attachment E. Copies of Deeds and Maps, Copies of Subordination Agreements (as applicable) ²
	✓ Electronic copies of deeds/maps – ONLY for those that a subordination agreement waiver is requested - inserted into Attachment E
	✓ Electronic copies of signed subordination agreements – if obtained at the time that the Application is submitted - inserted into Attachment E
	✓ Commissioner's Approval of Subordination Waiver (will be provided by the Department at the time that the final ELUR paper copy is returned to the Grantor for recording)
<input type="checkbox"/>	Attachment F. Copy of Property Owner Affidavit ²
	✓ Electronic copy of draft, unsigned Property Owner Affidavit inserted into Attachment F (will be signed by the Grantor at the same time that the final ELUR paper copy is signed by the Grantor)
<input type="checkbox"/>	Table 1. Land Title Analysis ²
<input type="checkbox"/>	Table 2. ELUR Class A-2 Survey/Property Owner Affidavit Analysis ²
<input type="checkbox"/>	Section G. Certification of Completeness of ELUR Application Form ² and as applicable --
<input type="checkbox"/>	✓ Electronic copy of signed Property Owner Certification inserted into Section G
<input type="checkbox"/>	✓ Electronic copy of signed Preparer Certification for all Sections (except F) inserted into Section G
<input type="checkbox"/>	✓ Electronic copy of signed Preparer Certification for Section F inserted into Section G
<input type="checkbox"/>	✓ Electronic copy of signed Optional Statement by Licensed Environmental Professional Form inserted in Section G
<input type="checkbox"/> N/A	
	Section H. Submittal Addresses and Other Important Contact Information

¹ Information required pursuant to RCSA Section 22a-133q-1(d).

² Information not required by RCSA Section 22a-133q-1(d), but requested to help facilitate the Commissioner's review and approval.

Please submit the requested information within sixty (60) days of receipt to DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address) or to:

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator
 Bureau of Water Protection and Land Reuse
 Remediation Division
 79 Elm Street
 Hartford, Connecticut 06106-5127

If you have any questions, please contact me at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address). Upon satisfactory receipt of the requested materials, a Notice of Administrative Completeness (NOAC) will be issued and technical review initiated.

Thank you,

Michelle M. Bedson
 ELUR Coordinator

Example Notice of Administrative Completeness (NOAC) – Sent by e-mail



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
(860) 424-3705 www.ct.gov/deep/remediation

ELECTRONIC COPY

Notice of Administrative Completeness (NOAC) Environmental Land Use Restriction

Sent by Electronic Mail on Date

Primary Contact Name

Primary Contact E-Mail Address

RE: Property/Facility Name
Address, CT

RECID#	RECID#
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On Date NOAD sent by e-mail, the Remediation Division of the Bureau of Water Protection and Land Reuse ("Department") forwarded a Notice of Administrative Deficiency (NOAD) by electronic mail for the above referenced Environmental Land Use Restriction (ELUR) application.

Based on the materials submitted in response, the Application appears to be administratively complete and will be assigned to a Department staff person for technical review.

If you have any questions, please contact me at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address).

Thank you,

Michelle M. Bedson
ELUR Coordinator

Example Extension Request – Sent by e-mail

ELECTRONIC COPY

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

DEEP.ELUR@ct.gov

Sent by Electronic Mail on **Date**

RE: ELUR Extension Request

Property/Facility Name

Address

To whom it may concern:

Example: On behalf of my client, we respectfully request an extension to return the signed final ELUR documents. The sixty (60) day time period for return will land on August 6, 2014. We request that the return date be extended to allow for the resolution of subordination issues. We are in contact with the lending institution and anticipate receiving signed subordination agreements by October 26, 2014 and will forward the complete, signed ELUR package by November 1, 2014.

Sincerely,

Primary Contact Name

Primary Contact Address

Example Extension Request Concurrence – Sent by e-mail



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
(860) 424-3705 www.ct.gov/deep/remediation

ELECTRONIC COPY

Extension Concurrence

Environmental Land Use Restriction

Sent by Electronic Mail on **Date**

Primary Contact Name

Primary Contact E-Mail Address

RE: **Property/Facility Name**
Address

Dear **Primary Contact Name** :

The Remediation Division of the Bureau of Water Protection and Land Reuse ("Department") has reviewed your electronic correspondence dated **Date of Extension Request** requesting an extension pursuant to Section 22a-133q of the Connecticut General Statutes (CGS). The extension was requested to **Example: submit the approved ELUR signed by the property owner**. The ELUR extension request was submitted in conjunction with the Form III Certification filed pursuant to Section 22a-134a(c) of the CGS.

The Department concurs with the above referenced schedule extension request, and extends the date of submittal to **Extension Date**.

If you have any questions, please contact me at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address).

Sincerely,

Michelle M. Bedson
ELUR Coordinator



Example Extension Approval Letter – Signed, Scanned and Sent by e-mail

Primary Contact Name
Primary Contact Address

Re: Environmental Land Use Restriction
Property/Facility Name
Address

Dear Primary Contact Name:

The Remediation Division of the Bureau of Water Protection and Land Reuse (“Department”) has reviewed your electronic correspondence dated Date of Extension Request requesting an extension to Example: submit the approved ELUR signed by the Property Owner pursuant to Section 22a-133q of the Connecticut General Statutes (CGS). The ELUR extension request was submitted in conjunction with the Form III Certification filed pursuant to Section 22a-134a(c) of the CGS.

The above referenced schedule extension request is hereby approved. The next deliverable is the signed ELUR due on or before Extension Date.

Nothing in this approval shall affect the Commissioner's authority to institute any proceeding, or take any action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law. If at any time the Commissioner determines that the approved actions have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution.

In addition, nothing in this approval shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions pertaining to this matter, please contact Michelle Bedson of my staff at 860/424-3792.

Sincerely,

Patrick F. Bowe
Director
Remediation Division
Bureau of Water Protection and Land Reuse



Example Transmittal Letter 1 – Signed, Scanned and Sent by e-mail

ELECTRONIC COPY

Sent by Electronic Mail on Date

Primary Contact Name

Primary Contact E-Mail Address

Re: Environmental Land Use Restriction

Property/Facility Name

Address

Dear Primary Contact Name:

The Remediation Division of the Bureau of Water Protection and Land Reuse (“Department”) has reviewed, and is forwarding to you the Environmental Land Use Restriction (ELUR) for the above referenced Property (saved as an electronic document attached).

Within sixty (60) days of the date of this letter, the Property Owner or duly designated agent should sign (and notarize) the ELUR and Property Owner Affidavit. Return the signed, paper copies to the Department. Also include the final full-size copy of the Class A-2 Survey.

If the signed ELUR is not submitted to the Department within the timeframe specified and an extension is not requested and acknowledged by the Department, the Department may deny the ELUR Application.

Please submit to:

Connecticut Department of Energy and Environmental Protection

Environmental Land Use Restriction Coordinator

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

Hartford, Connecticut 06106-5127

Attention: Signed ELUR

Upon receipt, the ELUR, and if applicable, the subordination agreement waiver approval, will be signed by the duly designated agent of the Commissioner. The package will be returned to you to record on the municipal land records.

The following information is provided to assist you with planning for the activities associated with **recording** the ELUR:

1. Within seven (7) days of receiving the fully executed ELUR you will be required to simultaneously record on the land records of the municipality:
 - the approved ELUR and all associated exhibits;
 - documents which are necessary to demonstrate that each person holding an interest in the land, or any part thereof has irrevocably subordinated such interest to the ELUR; and
 - the Department's approval of a waiver from the requirement to obtain subordination agreements for interests which are so minor as to be unaffected by the ELUR, as applicable.
2. Within seven (7) days of the recording of the ELUR on the land records of the municipality, a certificate of title, and a copy of the ELUR as recorded must be submitted to the Department. The certificate of title must certify that each interest in the land has been irrevocably subordinated to the ELUR, or the Department has waived the requirement to obtain subordination agreements for interests in the land that are so minor as to be unaffected by the ELUR.
3. In addition, copies of the ELUR must be sent by certified mail, return receipt requested, to: (1) the chief administrative officer of the municipality where the Property is located, (2) the chairman of the planning, zoning, or planning and zoning commission for the municipality where the Property is located, (3) the local Director of Health and (4) any person who submitted comments on the ELUR during the public comment period. Please send copies of such letters and completed return receipts to the Department within thirty (30) days of the recordation of the ELUR.
4. Furthermore, if utilities exist in a Subject Area where disturbance will be restricted, but do not have a recorded interest in the Property, please send copies of the ELUR sent by certified mail, return receipt requested to the real estate department of the utility company. Please send copies of such letters and the completed return receipts to the Department within thirty (30) days of the recordation of the ELUR.

The Department's review was limited to the review of the draft ELUR documents, and was not intended to address potential technical issues related to the investigation and remediation of the site. Pursuant to Section 22a-133v(g) of the Connecticut General Statutes, the Department may conduct an audit of the investigation and remediation of the site subsequent to the verification by the licensed environmental professional. The results of any such future audit may if necessary, require modification of the ELUR.

If you have any questions, please contact Michelle Bedson of my staff at (860) 424-3794 or at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address).

Sincerely,

Patrick F. Bowe
Director
Remediation Division
Bureau of Water Protection & Land Reuse

Attachment (electronic)



Example Transmittal Letter 2 – Sent by standard mail

Primary Contact Name
Primary Contact Address

Re: Environmental Land Use Restriction
Property/Facility Name
Address

Dear Primary Contact Name:

The Remediation Division of the Bureau of Water Protection and Land Reuse (“Department”) is forwarding to you an approved Environmental Land Use Restriction (ELUR) for the above referenced Property. Please simultaneously record on the land records of the Town of Town Name, CT within seven (7) days of receipt of this letter:

- The approved ELUR and any associated exhibits;
- Documents which are necessary to demonstrate that each person holding an interest in the land, or any part thereof has irrevocably subordinated such interest to the ELUR; and,
- The Department’s approval of a waiver from the requirement to obtain subordination agreements for interests which are so minor as to be unaffected by the ELUR, as applicable.

Within seven (7) days of the recordation of the ELUR, please submit the following to the Department for our records:

- Two paper copies of:
 - ✓ The certificate of title;
 - ✓ The ELUR as recorded (Town Clerk certified copy – the A-2 survey can be a copy of the Mylar with the map filing number given) indicating the volume and page; and in addition,
 - ✓ The full-size final A-2 survey, bearing an original stamp and signature.
- An electronic copy of the following items to DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address):
 - ✓ The certificate of title, in Adobe® PDF format;
 - ✓ The ELUR as recorded indicating the volume and page, in Adobe® PDF format; and,
 - ✓ The final A-2 survey, in Adobe® PDF format.

The certificate of title must certify that each interest in the land has been irrevocably subordinated to the ELUR, or the Department has waived the requirement to obtain subordination agreements for interests in the land that are so minor as to be unaffected by the ELUR.

In addition, copies of the ELUR must be sent by certified mail, return receipt requested, to: (1) The chief administrative officer of the Town of **Town Name**, CT (2) the chairman of the planning, zoning, or planning and zoning commission for the Town of **Town Name**, CT (3) the local Director of Health and (4) any person who submitted comments on the ELUR during the public comment period. Please send two (2) paper copies and a CD-R of such letters and completed return receipts (in Adobe® PDF format) to the Department within thirty (30) days of the recordation of the ELUR.

Furthermore, if utilities exist in a Subject Area where disturbance will be restricted, but do not have a recorded interest in the Property, please send copies of the ELUR sent by certified mail, return receipt requested to the real estate department of the utility company. Please send two (2) paper copies and a CDR of such letters and completed return receipts (in Adobe® PDF format) to the Department within thirty (30) days of the recordation of the ELUR.

The Department's review was limited to the review of the draft ELUR documents, and was not intended to address potential technical issues related to the investigation and remediation of the site. Pursuant to Section 22a-133v(g) of the Connecticut General Statutes, the Department may conduct an audit of the investigation and remediation of the site subsequent to the verification by the licensed environmental professional. The results of such an audit may require modification of the ELUR.

If you have any questions, please contact me at (860) 424-3792, or at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address).

Sincerely,

Michelle M. Bedson
ELUR Coordinator
Remediation Division
Bureau of Water Protection and Land Reuse

Attachment

Example Notice of Receipt – Sent by e-mail



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
(860) 424-3705 www.ct.gov/deep/remediation

ELECTRONIC COPY

Notice of Receipt Environmental Land Use Restriction

Sent by Electronic Mail on **Date**

Primary Contact Name
Primary Contact E-Mail Address

RE: **Property/Facility Name**
Address, CT

RECID# **RECID#**

By **Date** all Documents Received, the Remediation Division of the Bureau of Water Protection and Land Reuse ("Department") received the following documents for the above referenced Property:

- Certificate of Title submitted pursuant to Section 22a-133o(c) of the Connecticut General Statutes (CGS);
- Recorded copy of the approved Environmental Land Use Restriction (ELUR) and associated exhibits; and
- Return receipts for the copies of the ELUR sent certified mail to: (1) the chief administrative officer in the town where the Property is located; (2) the chairman of the municipal planning, zoning or planning and zoning commission; (3) the local director of health; and (4) any person who submitted comments on such environmental use restriction sent in accordance with Section 22a-133q-1(j) of the Regulations of Connecticut State Agencies.

This Notice of Receipt indicates that the Department has received the documents and does not constitute or provide written opinion regarding their accuracy.

Nothing in this receipt shall affect the Commissioner's authority to institute any proceeding, or take any action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law. If at any time the Commissioner determines that the actions have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution.

In addition, nothing in this receipt shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions, please contact me at DEEP.ELUR@ct.gov (RE: Property/Facility Name, Address).

Sincerely,

Michelle M. Bedson
ELUR Coordinator