§ 56-0511. Change of use.

1. At least sixty days before the start of physical alteration or construction constituting a change of use at a property investigated or remediated under an environmental restoration project, or at least sixty days before a change of use at such a property not involving any physical alteration or construction, as the case may be, the person or entity proposing to make a change of use shall provide written notification to the department and the clerks of the county and other municipalities in which such property is located.

2. No person shall engage in any activity at a property investigated or remediated under an environmental restoration project that is not consistent with restrictions placed upon the use of the property, or that will, or that reasonably is anticipated to: prevent or interfere significantly with a proposed, ongoing, or completed project; or expose the public health or the environment to a significantly increased threat of harm or damage from such property. If the commissioner determines that a proposed change of use is prohibited pursuant to this section, he or she shall, within forty-five days after receipt of the complete notice required by this section, provide the person giving such notice with a written determination that such change of use will not be authorized, together with the reasons for such determination.

3. For the purposes of this section:

(i) "change of use" means the transfer of title to all or part of property subject to an environmental restoration project, the erection of any structure on such property, and the creation of a park or other public or private recreational facility on such property, or any activity that is likely to disrupt or expose contamination or to increase direct human exposure; or any other conduct that will or may tend to significantly interfere with an ongoing or completed environmental restoration project.

(ii) "complete notice" means a notice that adequately apprises the department of the contemplated physical alteration of the property and how such alteration may affect the property's proposed, ongoing, or completed project, or of the proposed new owner's ability to implement

the engineering and institutional controls associated with the property.