

Instructions for Completing the Municipal Registration Form for Regulated Activities in Aquifer Protection Areas in the Town of East Lyme

Use these instructions to complete the registration form for regulated activities in Aquifer Protection Areas. These instructions are not a substitute for the requirements of any relevant statutes or regulations. You should review all applicable laws prior to completing the registration form. Remember, it is your responsibility to comply with all applicable laws.

A completed registration form must be submitted for each separate facility (or non-contiguous property).

INTRODUCTION

The Aquifer Protection Area Program was established to protect large public water supply wells from contamination through land use controls. In accordance with the Aquifer Protection Area Regulations, new activities using significant quantities of hazardous materials are prohibited from locating within Aquifer Protection Areas, while existing facilities are required to register their use. Registration allows the facility to continue to operate at that site, including changing or expanding operations on the site. Basic best management practices for handling and storage of hazardous materials are required. The facility must develop and implement a materials management plan, which is maintained at the facility and submitted to the Aquifer Protection Agency, upon request. Guidance for developing such plans is available from the Town of East Lyme Aquifer Protection Agency and the Department of Environmental Protection (DEP).

Any questions that you may have regarding the Aquifer Protection Area Program should be directed to the East Lyme Land Use Department, 108 Pennsylvania Avenue, Niantic, Connecticut 06357, Phone (860) 691-4114, Fax (860)691-0351.

WHO MAY REGISTER A REGULATED ACTIVITY IN AN AQUIFER PROTECTION AREA?

Any person engaged in a *regulated activity*, as defined in Section 2 of the Aquifer Protection Area Regulations (see Appendix A of these instructions), which

- 1) was active on, or
- 2) has been active within the past five (5) years of, or
- 3) held a municipal building permit before, the date an applicable aquifer protection area was designated shall register the regulated activity.

DO I REGISTER WITH THE DEEP OR THE MUNICIPAL AQUIFER PROTECTION AGENCY?

You must register with the DEEP if the regulated activity is to be conducted at a facility that:

- 1) holds one or more of the following permits: National Pollutant Discharge Elimination System (NPDES), State Pollutant Discharge Elimination System (SPDES) or Federal Resource Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal Facility (TSDF);
- 2) is a public service company;
- 3) is a large-quantity hazardous waste generator; or
- 4) is a state agency, as specified in Section 22a-354p(g) of the Connecticut General Statutes (CGS).

To register with the DEP, complete and submit to DEP, the *Registration Form for Regulated Activities in Aquifer*

Protection Areas (DEEP-APA-REG-100). This form is available on the web at www.deep.state.ct.us/wtr/aquiferprotection/index.htm or by calling DEEP at 860-424-3020.

All other regulated activities shall register with the municipal aquifer protection agency in the town in which the facility is located by completing and submitting the *Municipal Registration Form for Regulated Activities in Aquifer Protection Areas*. If a facility is located in more than one municipality, the facility must register with each municipality.

The Commissioner of the Department of Environmental and Energy Protection may exempt a regulated activity from registering if it is determined that such activity does not and will not pose a threat to any public supply well due to the nature of the hazardous materials used. Any questions that you may have regarding exemptions should be directed to DEP at 860-424-3020.

TIME FRAME FOR REGISTRATION

If the regulated activity is specified in Section 8 of the Aquifer Protection Area Regulations, the person engaged in such activity shall submit a registration to the Aquifer Protection Agency not later than one hundred eighty (180) days after municipal adoption of regulations pursuant to CGS Section 22a-354p; or the designation of the aquifer protection area pursuant to RCSA Section 22a-354i-2, whichever occurs later, unless otherwise authorized in writing by the commissioner.

A complete registration will expire five (5) years from the date of receipt of a registration.

Any person proposing to continue a previously registered regulated activity must apply for renewal of the existing registration by submitting a sufficient registration at least one hundred eighty (180) days prior to the expiration date of the existing registration.

If a registration renewal is not submitted prior to the expiration date of the existing registration, then the existing registration is deemed to have expired.

If you are applying for a *modification* of an active, valid registration, you may be required to submit certain parts of, or an entire, registration. For further information concerning modifications, please contact the East Lyme Land Use Department, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Phone (860) 691-4114. Fax (860)691-0351.

HOW TO APPLY

Your registration must include the following:

- *A Municipal Registration Form for Regulated Activities in Aquifer Protection Areas* and all supporting documents,
- The applicable registration fee, paid by check or money order, made payable to the "Town of East Lyme".

You must submit the above materials together as a package to:

Town of East Lyme Aquifer Protection Agency
East Lyme Land Use Department
108 Pennsylvania Ave
Niantic, CT 06357

The registrant shall mail a copy of the completed registration form to the following:

- 1) Commissioner of the DEEP,

- 2) the Commissioner of Public Health, and
- 3) the affected water company.

See Appendix C of these instructions for specific DEEP, Department of Public Health and water company contacts.

When submitting your registration, label your supporting documents as directed on your registration form and always include, on each document, the applicant's name. When additional space is necessary to answer a question stated in the registration, please insert additional sheets by the appropriate question. Label each sheet with the applicant's name, along with the corresponding part number and question number indicated on the registration form. You should retain a copy of all documents for your files.

PART I: REGISTRATION TYPE

Check the appropriate box to specify if the registration is for a *new* registration, a *renewal* of an existing registration, or a *modification* of an existing registration. If you are applying for a renewal or modification of an existing registration, or if a permit has been obtained for a new regulated activity at the facility, please identify the previous or existing registration or permit number in the space provided. Please note that if you are seeking a *modification*, you should consult the Town of East Lyme Aquifer Protection Agency prior to submitting a registration to determine whether completing a registration form is necessary.

PART II: FEE INFORMATION

A fee of \$ 110.00 (\$50.00 Town and \$60 State) must be submitted for each registration you are seeking. Each separate facility (or non-contiguous property) requires a separate registration and fee. The registration will not be processed without the fee. The payment should be in the form of a check or money order made payable to "Town of East Lyme".

PART III: REGISTRANT INFORMATION

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on such registration. If identifying an *individual*, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr, PE, PhD, etc.)
 - *Phone* - Unless otherwise indicated, the phone number provided should be the number where the individual can be contacted during the daytime business hours.
 - *Contact Person* - Provide the name of the specific individual within the company whom Municipal Aquifer Protection Agency may contact.
1. *Registrant* - Fill in the registrant's name, mailing address and phone number. Check the boxes describing the registrant's interest in the property or facility. Provide the company name. Indicate if there are co-registrants and if so, provide the required information for each registrant.
 2. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of this registration, complete this section. The municipality will direct copies of all correspondence and inquiries to this primary contact.

3. *Attorney* - It is not required that an applicant be represented by an *attorney* or any other agent. If you do have an attorney representing you for this process, complete this section.
4. *Facility Operator* - If the registrant is not the operator of the affected facility complete this section.
5. *Facility Owner* - If the registrant is not the owner of the affected facility complete this section.
6. *Engineers or Consultants* - List any engineers or other consultants employed or retained to assist in preparing the registration or to design, construct or operate the proposed activity. Be sure to identify the service that is being provided by each.

PART IV: FACILITY INFORMATION

1. The facility name should be the name by which the facility is commonly known and/or uniquely identified.

The “facility” (as defined in Section 2 of the Aquifer Protection Area Regulations) means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person.

The information provided as the location address should be the address of the property at which the regulated activity takes place. Include the street address and municipality. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, “... on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road.”

2. Check off ***all*** regulated activities conducted at the facility. Note that the descriptions of regulated activities listed in the registration form are simplified. The full descriptions, which include some exceptions, are provided in Section 5 of the Aquifer Protection Area Regulations, reproduced in this document as Appendix A. These regulated activities are further modified by exceptions listed in Section 4 of the Aquifer Protection Area Regulations, also included in Appendix A of these instructions, which exempts residential activities, volumes of hazardous materials below given thresholds, agricultural activities, as well as several other minor categories.

PART V: BEST MANAGEMENT PRACTICES

Registrants must certify that the regulated activities at the facility are in compliance with the best management practices (BMPs) specified in Section 12 of the Aquifer Protection Area Regulations, in order to complete the registration form. Such BMPs are attached as Appendix B of these instructions. Most facilities will already be in compliance with the very basic BMPs in Section 12 of the Aquifer Protection Area Regulations. Please note however, that development and implementation of a materials management plan is also required by Section 12 of the Aquifer Protection Area Regulations. A brief guidance document and sample plan is available from the Town of East Lyme Aquifer Protection Agency or on the DEP web site at www.dep.state.ct.us/wtr/aquiferprotection/index.htm A materials management plan must be maintained at the facility and made available for inspection if requested by a representative of DEP or the Municipal Aquifer Protection Agency.

The registrant must check the box by each of the five BMPs as verification that the facility is in compliance with all of the BMPs. The registrant and the operator, if different from the registrant, must sign the certification.

PART VI: SUPPORTING DOCUMENTS

Check the appropriate box by each attachment as verification that all *applicable* attachments have been submitted.

Please label all attachments as referenced in the registration form and these instructions and be sure to include the name of the registrant.

The following attachment is required for all registrations:

Attachment A: A Facility Boundary Map

Submit, as Attachment A, an 8 ½ " x 11" copy of the relevant portion of a United States Geological Survey (USGS) Quadrangle Map, at a scale of 1:24,000, indicating the exact location of the facility (property) boundaries, in accordance with Section 8 of the Aquifer Protection Area Regulations. See Figure A, at the end of these instructions, for an example of how a USGS Map must be labeled when submitted. If the site boundary is too small to show on a map with a scale of 1:24,000, then submit a local property or assessor's map at a scale which clearly shows the facility boundaries. See Figure B, at the end of these instructions, as an example.

It is important that you accurately locate the facility on this map. An inaccurate description of the facility location may delay the processing of your registration. Refer to the definition of "facility" in Part IV, item 1 of these instructions.

Please note: This map is a critical piece of the registration. Facilities that have registrations for existing regulated activities are allowed to continue to operate, expand and change with minimal restrictions, as well as apply for permits to add new regulated activities within this boundary. New regulated activities are prohibited at unregistered facilities in Aquifer Protection Areas.

Attachment B: Materials Management Plan

Submit a Materials Management Plan, as Attachment B, only if requested by the Municipal Aquifer Protection Agency. Otherwise a copy of the Materials Management Plan must be maintained on-site. A Materials Management Plan shall be developed and implemented in accordance with Section 12 of the Aquifer Protection Area Regulations.

Attachment C: Stormwater Management Plan

Submit a Stormwater Management Plan, as Attachment C, only if requested by the Municipal Aquifer Protection Agency. If requested, a Stormwater Management Plan shall be implemented in accordance with Section 12 of the Aquifer Protection Area Regulations to assure that stormwater-runoff generated by the subject regulated activity is managed to prevent pollution of ground water.

PART VII: REGISTRANT CERTIFICATION

After the registration has been completed it must be reviewed and signed by both the registrant and the individual(s) who actually prepared the registration. By their signature, they certify that, to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete.

The certification of the registration package shall be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);

4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

A registration will be considered incomplete unless all required signatures are provided.

APPENDIX A: REGULATIONS OF TOWN OF EAST LYME

DEFINITION OF A REGULATED ACTIVITY

(34) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in sections 22a-354i-5(c) and 22a-354i-6 of the Regulations of Connecticut State Agencies:

(A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under section 22a-354c or section 22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,

(B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,

(C) on-site storage of hazardous materials for the purpose of wholesale sale,

(D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,

(E) salvage operations of metal or vehicle parts,

(F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit issued by the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, or (v) swimming pools,

(G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

(H) production or refining of chemicals, including without limitation hazardous materials or asphalt,

(I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,

(J) industrial laundry service which involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

(K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by section 22a-174-22(a)(3) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,

(L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,

(M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

(N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,

(O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

(P) storage, treatment or disposal of hazardous waste subject to a permit under sections 22a-449(c)-100 to 22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,

(Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,

(R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,

(S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

(T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,

(U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,

(V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued under sections 22a-208(i) and 22a-454(e)(1) of the Connecticut General Statutes,

(W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,

(X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,

(Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to sections 22a-207b, 22a-208a, and 22a-208c of the Connecticut General Statutes, except for a potable water treatment sludge disposal area,

(Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,

(AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the

use, storage or disposal of hazardous material, W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,

(BB) pulp production processes that involve bleaching.

(c) The following are **not** regulated activities:

(1) Any activity conducted at a residence without compensation;

(2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;

(3) any agricultural activity regulated pursuant to section 22a-354m(d) of the Connecticut General Statutes;

(4) any activity provided all the following conditions are satisfied:

(A) such activity takes place solely within an enclosed building in an area with an impermeable floor,

(B) such activity involves no more than 10% of the floor area in the building where the activity takes place,

(C) any hazardous material used in connection with such activity is stored in such building at all times,

(D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and

(E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;

(5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:

(A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,

(B) such activity takes place solely within an enclosed building in an area with an impermeable floor,

(C) any hazardous material used in connection with such activity is stored in such building at all times, and

(D) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than 110 gallons of such lubricating oil and associated hazardous waste; and

(6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of 2000 gallons or less provided all the following conditions are satisfied:

(A) such dispensing activity takes place solely on a paved surface which is covered by a roof,

(B) the above-ground storage tank (or tanks) is a double-walled tank with overfill alarms, and

(C) all associated piping is either above ground, or has secondary containment.

APPENDIX B: REGULATIONS OF TOWN OF EAST LYME

(a) Every regulated activity shall be conducted in accordance with the following:

(1) Hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:

(A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in section 22a-354i-1(6) of the Regulations of Connecticut State Agencies,

(B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,

(C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,

(D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,

(E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,

(F) hazardous material shall be stored only in a container that has been certified by a state or federal agency or the American Society of Testing Materials as suitable for the transport or storage of such material,

(G) hazardous material shall be stored only in an area that is secured against un-authorized entry by the public, and

(H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976, as amended;

(2) no person shall increase the number of underground storage tanks used to store hazardous materials;
(3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to 22a-449(d)-1(e) and 22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;

(4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with sections 22a-430 or 22a-430b of the Connecticut General Statutes; and

(5) a materials management plan shall be developed and implemented in accordance with the following:

(A) A materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:

- (i) A pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,
- (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (a) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (b) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (c) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,
- (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
- (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
- (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;

BEST MANAGEMENT PRACTICES (BMPs) FOR REGULATED ACTIVITIES

(B) when a materials management plan is required under either section 22a-354i-7(d) or 22a-354i-8(c), such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and

(C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.

(b) The development and implementation of a storm water management plan required for regulated activities in accordance with sections 8(c) and 9(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water Associated with a Commercial Activity issued pursuant to section 22a-430b of the Connecticut General Statutes.

APPENDIX C: CONTACTS

State of CT Department of Environmental Protection

Copies of forms being submitted to the Department of Environmental Protection shall be directed to:

Aquifer Protection Program
State of CT Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

State of CT Department of Public Health

Copies of forms being submitted to the Department of Public Health shall be directed to:

Drinking Water Division
State of CT Department of Public Health
410 Capitol Avenue, MS #51 WAT
Hartford, CT 06134-0308

Connecticut Water Company

Copies of forms shall be sent to the affected water company by the Town of East Lyme.