

Jennifer Lindo

From: Gary Goeschel
Sent: Thursday, August 06, 2020 10:05 AM
To: Jennifer Lindo
Subject: FW: Acquifer Drinking Water CRM:0021070
Attachments: apagencydirectorypdf.pdf; CTSWPfactsheetpdf.pdf; modelmuniregspdf.pdf; modelmuniregsreferencedocpdf.pdf; munregguidancepdf.pdf

We may add this to the IWA public hearing record. I don't think it's relevant so I'm thinking no. Upton may want it.

From: Mark Nickerson <mnickerson@eltownhall.com>
Sent: Wednesday, August 05, 2020 10:03 AM
To: Gary Upton <gary@uptonbass.com>
Cc: Gary Goeschel <ggoeschel@eltownhall.com>
Subject: FW: Acquifer Drinking Water CRM:0021070

Research is back from CCM. Enjoy.

August 3, 2020

The Honorable Mark Nickerson
First Selectman
Town of East Lyme
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Niantic, CT 06357

Dear Mark,

The following is in response to your request for information regarding what towns in the state have aquifer drinking water.

For those towns that do what are upland review areas, or other protections for the wetlands in those towns.

The phrase "towns that have aquifer drinking water" can mean different things, some of which lead to DEEP and others to DPH.

DEEP has the [Aquifer Protection Area Program](#) and, if the focus is on which towns have aquifer protection areas that are regulated that program, you'll want to go there. You can see a map of them at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=6b33fc05fcee4c5286fafae1b2cccbbf>.

If the question focuses on which towns have people or businesses that use water from aquifers, you'll be better off checking with DPH. Its [Drinking Water Section](#) regulates public water companies, which include systems at the scale of the MDC all the way down to a Dunkin Donuts served by its own well. But many systems like New Haven's Regional Water Authority, even with all those big reservoirs, also have wells tapping into an aquifer

somewhere. DPH also has a [private well program](#). Few of CT's private wells tap into the kind of aquifer regulated by DEEP's APA program, but every well that yields water is producing it from some kind of aquifer. The local and regional health districts do the heavy lifting in dealing with those.

I have attached several documents that help explain the program for municipalities, model regulation, how to develop your own regulation and a fact sheet concerning drinking water sources in Connecticut. Also, each website link includes contact information within DEEP and DPH if you have further questions. At the DEEP website there is a program manual specific to municipalities, it is too large to attach here but you can download straight from the website.

I hope that this information is helpful. Please feel free to contact me directly at (203) 498-3055 or by email at bwest@ccm-ct.org, should you have any further inquiries.

Regards,

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collaborating for the common good

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Source Water Protection Unit

The Connecticut Department of Public Health Drinking Water Section created a dedicated functional unit to implement policies and enforce statutes and regulations pertaining specifically to the protection of the sources of public drinking water. The Source Water Protection Unit (SWP) is responsible for the purity and adequacy of Connecticut's approximately 4,000 surface and ground water drinking water supply sources.

The SWP Unit maintains a Strategic Plan for the Implementation of Drinking Water Source Protection in Connecticut. The program elements coordinate, manage, and regulate source protection through the enhancement and oversight of existing source protection laws and regulations, integration with water supply planning, education of local land use officials, and involvement with stakeholders on a continuous basis. This Strategic Plan has two main objectives:

1. Revise and enforce existing public health laws, with an emphasis on education and training, involvement of stakeholders and creation of linkages to all relevant programs in order to effectively and efficiently implement the comprehensive drinking water source protection strategic work plan;
2. Maintain minimized risk to public health for 100 percent of source water areas for community water systems (both surface and groundwater) by substantial implementation of the source water protection actions listed in the Strategic Plan, as well as full application of the federal Ground Water Rule and other laws that are in place to prevent contamination and protect water quality and therefore public health.

Water System Data (as of September, 2012):

System Type	Community	Nontransient Noncommunity	Transient Noncommunity	Groundwater	Surface Water
Number of Systems	556	582	1,454	2,513	79
Population Served	2,714,190	113,320	59,373	429,705	2,447,846

State Definition of Substantial Implementation of the Source Water Protection Program:

The SWP Unit considers substantial implementation as being achieved when all public water systems are in compliance with the objectives in the Strategic Plan. This includes activities and tasks such as:

- implementing continually revised statutes and regulations for source water protection (including the provisions of the federal Groundwater Rule);
- reviewing/approving proposed sources of water supply and proposed sales and proposed changes to the use of water company owned land,
- reviewing/approving permit applications for monitored recreational activities on water company;
- coordinating the process of conducting annual watershed inspections and annual submission of watershed survey reports;
- using and improving the Geographical Information System (GIS) application and database to optimize source assessment and protection;
- working with local, regional and state partnerships on Environmental Impact Review promoting the usage and understanding of source water protection concepts and best management practices to enhance drinking water source protection; .
- working with many diverse groups to enhance drinking water source protection and provide useful educational materials;
- researching and preparing for emerging threats and risks to public water supply sources, and
- working to develop and utilize consistent policies for the use of pesticides and herbicides in public drinking water sources of supply.

Case Studies:

Statutes and Regulations: In 2011, several statutory changes, initiated by the SWP Unit, were passed that: emphasize the importance of maintaining Connecticut's most pristine water bodies for public drinking water use, and strengthen the authority to deny proposed public water supply sources in locations threatened by pollution.

Source Water Area Inspections: In 2013, the SWP Unit worked with a property owner, a water utility, USDA/NRCS and a local health department to develop a manure management plan for a property with historical deficiencies. The SWP Unit ultimately issued a permit for the manure management structure and BMPs that will ensure a minimized risk to the public water supply for years to come. The permit was issued pursuant to Connecticut's 'Sanitation of Watersheds' regulations.

Outreach: The SWP Unit, along with the EPA and US Geological Survey held a stakeholder workshop in October, 2010 to address local source water protection issues. Topics included: cyanotoxins, low impact development and new techniques for water quality protection and management. The SWP Unit has begun an effort to disseminate information on the Drinking Water Section website regarding drinking water supply impacts due to Cyanobacteria, Harmful Algal Blooms (HAB's) and invasive freshwater alga. The SWP Unit participated in a watershed inspector training held in April 2013 to assist personnel of water utilities who annually inspect properties within drinking water watersheds for risks to public water supplies. An additional training is scheduled for spring 2014.

Pesticides and Herbicides: In 2012, the SWP Unit, Department of Public Health toxicologists, and members of CT Department of Energy and Environmental Protection's Water Quality Program, Pesticide Division executed a Memorandum of Agreement that updated the permitting requirements for introducing aquatic pesticides into waters tributary to drinking water supplies.

Stakeholder Involvement: The SWP Unit meets bimonthly with the Connecticut section of the American Water Works Association, Source Water Protection Committee to discuss topics of mutual interest ranging from federal regulations, state statute revisions, local issues. This committee works to develop guidance documents for the annual watershed inspections required by DPH; educational materials for residences and businesses located in public water supply watersheds and sharing information on training events. The SWP Unit also collaborates on a regional and national level (e.g. New England Interstate Water Pollution Control Commission, Ground Water Protection Council, etc.) to ensure that the most effective policies and laws are enacted in Connecticut.

State Policies: The SWP Unit reviewed and offered comments to the State's Office of Policy and Management on the draft State of Connecticut Conservation and Development Policies Plan 2013-2018. One of the key policy recommendations to protect sources of public drinking water that was included in the draft is "utilize an integrated watershed management approach to ensure that high quality existing and potential sources of public drinking water are maintained for human consumption." Projects receiving over \$200,000 in state funding must be consistent with the policies in the Plan.

For more information, please see the link below for Connecticut's Source Water Protection Unit:

www.ct.gov/publicdrinkingwater



State of Connecticut

Department of Environmental Protection



Model Municipal Regulations Aquifer Protection Areas

Effective Date: June 1, 2005
Revised on January 1, 2006
Revised on October 1, 2007
Revised on October 1, 2010

October 1, 2010 revisions

The following revisions made the Model Municipal Regulations consistent with statutory amendments to Public Act No. 10-135, An Act Concerning Brownfield Remediation Liability:

Page 11, Section 4(b)(3) – new, added “a regulated activity which is on any municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided: (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that at the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of section 22a-354i-7 of the Regulations of Connecticut State Agencies.”

Page 14, Section 8(a) – new, added “... , or for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map, ...”

Page 14, Section 8(a)(2) – new, added “... Any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map. Any person submitting a registration pursuant to the requirements of this subsection ...”



State of Connecticut
Department of Environmental Protection



**Model Municipal Regulations
Aquifer Protection Areas**

Effective Date: June 1, 2005
Revised on January 1, 2006
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Model Municipal Regulations Aquifer Protection Areas

SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the City/Town of _____ by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
 - (2) delineating aquifer protection areas on the city/town zoning or inland wetland and watercourse areas maps;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the City/Town of _____.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The _____ [board or commission] of the City/Town of _____ is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective _____, and shall implement the purposes and provisions of the APA Ordinance and the Act.

- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the City/Town of _____ pursuant to the Act.

SECTION 2. Definitions

- (a) As used in these regulations, the following definitions apply:
- (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
 - (2) "Agency" means the board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes;
 - (3) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
 - (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
 - (5) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
 - (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
 - (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
 - (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
 - (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;

- (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;
- (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (12) "Facility" 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;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB);
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;
- (21) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;

- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (23) "Owner" means the owner or lessee of the facility in question;
- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;

- (35) "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 §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:
- (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 §22a-354c or §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 from the Commissioner pursuant to §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, (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 activity that 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 §22a-174-22(a)(2) 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 §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 by the Commissioner under §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 §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, 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, and
 - (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
 - (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
 - (38) "Storage" means the holding or possession of any hazardous material;
 - (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
 - (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
 - (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
 - (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
 - (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;

- (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
- (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The zoning, planning, or planning and zoning commission shall delineate the aquifer protection areas on the City/Town of _____ zoning district map or, if zoning district maps do not exist, the inland wetland and watercourse areas map adopted pursuant to §22a-42a the Connecticut General Statutes. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
 - (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the City/Town of _____.
 - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
 - (A) a map or detailed description of the subject aquifer protection area; and
 - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
 - (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
 - (A) A map to scale delineating (i) the aquifer protection area boundary mapped under Section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
 - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:

- (i) Such notice shall include at least the following:
 - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,
 - (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
 - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
- (ii) Such notice shall be effectuated by the following:
 - (aa) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or
 - (bb) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and
- (C) A summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
- (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Office of the City/Town Clerk or the Agency.
- (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsections (a) or (b) of this Section.

SECTION 4. Prohibited and Regulated Activities

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.

- (b) The following regulated activities are not prohibited in aquifer protection areas:
- (1) a registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of the APA Regulations;
 - (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations; and
 - (3) a regulated activity which is on any municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided: (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of section 22a-354i-7 of the Regulations of Connecticut State Agencies.
- (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 §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 one hundred ten (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 two thousand (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(s) is a double-walled tank with overfill alarms, and
 - (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity
 - (1) Any person proposing to carry out a non-regulated activity, as set forth in Section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
 - (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

SECTION 5. Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.
- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.
- (c) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this Section in accordance with the Connecticut General Statutes §22a-354p(g).

SECTION 6. Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

SECTION 7. General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.

- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.
- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five-hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

SECTION 8. Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, or for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
 - (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or

inland wetlands map. Any person submitting a registration pursuant to the requirements of this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.

- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 18 of the APA Regulations. Such registration forms may be obtained from the _____ City/Town Clerk or the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
 - (B) owner of such facility if different than the registrant, and
 - (C) manager or operator overseeing the operations of such facility;
 - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in Section 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
 - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:

- (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
 - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
 - (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
 - (f) The following general provisions shall be included in the issuance of all registrations:
 - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
 - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
 - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
 - (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the

limitations in Subsection (f)(5) of this Section.

- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to Section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these timeframes, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with Section 18 of the APA Regulations. Such permit application forms may be obtained from the _____ City/Town Clerk or the Agency. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
 - (1) The information as required for a registration under Section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
 - (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with Section 12(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;
 - (3) a materials management plan in accordance with Section 12(a) of the APA Regulations;

- (4) a storm water management plan in accordance with Section 12(b) of the APA Regulations;
- (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,
 - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this Section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with Section 10 of the APA regulations.

- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
 - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with Section 12(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 12(a) and 12(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with Subsection (d)(2) of this Section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with Section 12 of the APA Regulations;
 - (7) the existing regulated activity is being conducted in accordance with Section 12 of the APA Regulations; and
 - (8) the certification required under Subsection (d)(7) of this Section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the ground water, including, but not limited to the following:
 - (1) best management practices in addition to those set forth in Section 12 of the APA Regulations; and
 - (2) ground water monitoring.
- (j) The following general provisions shall be included in the issuance of all permits:
 - (1) the Agency has relied in whole or in part on information provided by the applicant

and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;

- (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

SECTION 10. Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.
- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.

- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9(k) of the APA Regulations.

SECTION 11. Bond and Insurance Relevant to Permit Applicants

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 12. Best Management Practices

- (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 2 of the APA Regulations,
 - (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 to meet state or federal specifications for containers suitable for the transport or storage of such material,
 - (G) hazardous material shall be stored only in an area that is secured against unauthorized 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;
- (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 §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:

- (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (cc) 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;
- (B) when a materials management plan is required under either Section 8(c) or 9(d) of the APA Regulations, 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 §22a-430b of the Connecticut General Statutes.

SECTION 13. Other State, Federal and Local Laws

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City/Town of _____, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the City/Town of _____ zoning or subdivision regulations.

SECTION 14. Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
 - (1) Issue a notice of violation.
 - (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under Subsection (2) of this Section or other enforcement proceedings as provided by law.
 - (2) Issue a written order.
 - (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.

- (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
- (3) Suspend or revoke registration or permit.
- (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
 - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the City/Town of _____.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
 - (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.
- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

SECTION 16. Appeals

- (a) Appeal of the Agency’s regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

SECTION 17. Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

SECTION 18. Registration and Permit Application Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the City/Town of _____ at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on the following schedule:

Fee Schedule			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Registrations:			
Industrial			
Commercial			
Other			
Fee Schedule (continued)			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Permits:			
Industrial			
Commercial			

Other			
Materials Management Plan Reviews			
Storm water Management Plan Reviews			
Public Hearing			
Facility Inspection/Monitoring			
Regulation Petition			
Transfer Fee			

(e) Boards, commissions, councils and departments of the City/Town of _____ are exempt from all fee requirements.

(f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:

- (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
- (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the City/Town for reviewing and processing the application.

(g) Extra Assessments

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the applicant/registrant may be assessed an additional fee not to exceed \$_____ to cover said costs. Said fees are to be estimated by the duly authorized agent and submitted with the application fee and held until the application is completely processed after which time any residual funds pertaining to this assessment are to be returned to the applicant/registrant.

For the purpose of this assessment, an “outside consultant” means a professional who is not an employee of the City/Town of _____ including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

(h) The Agency shall state upon its record the basis for all actions under this Section.

SECTION 19. Effective Date of Regulations

The APA Regulations, APA boundaries and amendments thereto, shall become effective upon (1) the Commissioner's determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the City/Town Clerk.

Adopted Date: _____ (e.g. public hearing date)

DEP Approval Date: _____ (date of approval letter)

Effective Date: _____ (e.g. 60 days after hearing date)

Revision Date: _____ (as needed)



State of Connecticut

Department of Environmental Protection



Reference Document for Model Municipal Regulations Aquifer Protection Areas

October 1, 2007
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The Connecticut Department of Environmental Protection has developed this reference document to provide the reader with a quick reference to the statutory and regulatory citations used in the Model Municipal Aquifer Protection Area Regulations. Additionally, the document provides explanations and clarifications to other citations and references in the regulations. The reference document is arranged by section of the model regulations in which the citation occurs. Municipalities may utilize this document as a companion to the regulations and modify the section numbers to coincide with their local regulations if necessary. DEP will revise this document if there are changes to the statutory and regulatory language of the citations or other references. Municipalities are encouraged to adopt the model regulations with the statutory and regulatory citations and use this document as reference, thereby allowing revisions to the reference document if changes are made to the citations without going through the formal process to revise local regulations.

Model Municipal Regulations Aquifer Protection Areas

Section 1 Title and Authority

Section 2 Definitions

2(a)(1) CGS §22a-354h reads:

“Affected Water Company” means any public or private water company owning or operating a public water supply well within an aquifer protection area.

2(a)(3) CGS §1-1(q) reads:

“Agriculture” means cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any

agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

2(a)(6) CGS §22a-354h reads:

“Aquifer protection area” means any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the Commissioner of Environmental Protection pursuant to § 22a-354b to 22a-354d, inclusive, within which land uses or activities shall be required to comply with regulations adopted pursuant to § 22a-354p by the municipality where the aquifer protection area is located.

2(a)(7) CGS §22a-354h reads:

“Area of contribution” means the area where the water table or other potentiometric surface is lowered due to the pumping of a well and groundwater flows directly to the well.

2(a)(9) Institute of Hazardous Materials Managers web site: <http://www.ihmm.org>

2(a)(11) CGS §22a-430-3(a) reads:

“Domestic sewage” means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains.

2(a)(14) Hazardous material broadly includes both raw hazardous chemicals and hazardous wastes.

Hazardous substance means any material, either singularly or in combination, which may pose a present or potential hazard to human health or to the environment if released. The specific hazardous substances are listed in federal regulation 40 CFR 302 (CERCLA list). They generally include substances that are ignitable, corrosive, reactive or toxic. (For full text go to: <http://www.epa.gov/epahome/cfr40.htm>. The web site contains all of 40 CFR. Navigating to the CERCLA list is as follows: Go to Chapter 1(Parts 1-799); go to Subchapter J (Parts 300-399); go to (Part 302); go to Section 302.4; and finally scroll down to the table.)

CGS §22a-47 reads: "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

CGS §22a-448 reads: "Oil or petroleum" means oil or petroleum of any kind or in any form including but not limited to waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene, or their vapors.

2(a)(15) Hazardous waste means a solid, liquid or gaseous waste that meets one of the following conditions:

1. Is listed in Subpart D of 40 CFR 261 (For full text go to: <http://www.epa.gov/epahome/cfr40.htm>. The web site contains all of 40 CFR. Navigate to Subpart D as follows: Go to Chapter 1 (Parts 1-799); go to Subchapter I (Parts 260-265); go to (Part 261); go to Subpart D; and finally to Appendix VIII to Part 261 (Hazardous Constituents).)
2. Exhibits a characteristic defined in Subpart C of 40 CFR part 261 that include ignitability, corrosivity, reactivity and toxicity
3. Is a mixture containing a listed hazardous waste and a non-hazardous solid waste
4. Is derived from storage, treatment or disposal of a hazardous waste (For example: leachate is derived from disposal)
5. Is not excluded from regulation as a hazardous waste (Exclusions are limited and include very specific wastes treated in specific ways. For example: wastewater treatment plant sludges generated from electroplating operations and stored in on-site land fill)

For more information, call the DEP's Hazardous Waste Compliance Assistance Program at 1-888-424-4193 (toll free).

2(a)(16) Note: Industrial laundry facilities are regulated in addition to dry cleaners and they may or may not use dry cleaning solvents in their operations.

2(a)(19) For more information on ISO 14001, visit www.anab.org.

2(a)(20) Level A Mapping defines the land area contributing ground water to the public water supply well field. The water company owning the well field maps the area according to the mapping regulations (section 22a-354b-1 of the Regulations of Connecticut State Agencies). DEP approves the mapping.

2(a)(22) CGS §22a-354h reads: "Municipality" means any town, consolidated town and city, consolidated town and borough, city or borough.

For the purposes of these regulations, "Municipality" means the town of _____.

2(a)(26) CGS §22a-423 reads:

"Pollution" means harmful thermal effect or the contamination or rendering unclean or

impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

2(a)(29) RCSA §22a-430-3 reads:

“Publicly Owned Treatment Works” or “POTW” means a system used for collection, treatment and/or disposal of sewage from more than one lot as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies and which discharges to the waters of the state and which is owned by a municipality or the state.

2(a)(30) CGS §16-1 reads:

“Public service company” means electric, electric distribution, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies, owning, leasing, maintaining, operating, managing or controlling plants or parts of plants or equipment, and all express companies having special privileges on railroads within this state, but shall not include telegraph company functions concerning intrastate money order service, towns, cities, boroughs, any municipal corporation or department thereof, whether separately incorporated or not, a private power producer, as defined in section 16-243b, or an exempt wholesale generator, as defined in 15 USC 79z-5a.

2(a)(31) RCSA §19-13-B51b reads:

“Public supply well” means a water supply well used or made available by a water company to two or more consumers.

2(a)(32) CGS §22a-354h reads:

“Recharge area” means the area from which groundwater flows directly to the area of contribution.

2(a)(35)(K) RCSA §22a-174-22(a)(2) reads:

"Emergency engine" means a stationary reciprocating engine or a turbine engine which is used as a means of providing mechanical or electrical power only during periods of testing and scheduled maintenance or during either an emergency or in accordance with a contract intended to ensure an adequate supply of electricity for use within the state of Connecticut during the loss of electrical power derived from nuclear facilities. The term does not include an engine for which the owner or operator of such engine is party to any other agreement to sell electrical power from such engine to a electrictricity supplier, or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

RCSA §22a-174-22(a)(3) reads:

"Emergency" means an unforeseeable condition that is beyond the control of the owner or operator of an emergency engine, and that:

- (a) results in an interruption of electrical power from the utility to the premise;
- (b) results in a deviation in the voltage from the electricity supplier to the premises of greater than three percent (+3%) above or five percent (-5%) below the standard nominal voltage in accordance with section 16-11-115(a) of the Regulations of Connecticut State Agencies;
- (c) requires an interruption of electrical power from the electricity supplier to the premises enabling the owner or operator to perform emergency repairs; or
- (d) requires the operation of the emergency engine to minimize damage from fire, flood, or any other catastrophic event, natural or man-made.

2(a)(35)(P) Facilities that store, treat or dispose of hazardous waste are subject to a permit under federal and state law. The state laws incorporate the federal laws by reference. Under RCRA, storage means the containment of hazardous wastes either on a temporary basis or for a period of years in such a manner as not to constitute disposal of such hazardous waste; treatment means any method, technique or process including neutralization designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume; disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment.

For more information, call the DEP's Hazardous Waste Compliance Assistance Program at 1-888-424-4193 (toll free).

2(a)(35)(V) Facilities subject to a general permit include transfer stations, solid waste disposal areas, household hazardous waste collection sites, and certain recycling facilities.

2(a)(35)(Y) Solid wastes facilities subject to a permit include solid waste disposal areas, volume reduction plants, transfer stations, wood-burning facilities and biomedical waste treatment facilities. (This does not apply to facilities that only compost leaves.)

CGS §22a-207(3) reads:

"Solid waste" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludge or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

2(a)(36) RCSA §22a-133k-1 reads:

“Release” means any spilling, leaking, pumping, pouring, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material.

2(a)(42) CGS §15-170 reads:

"Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

2(a)(43) CGS §22a-423 reads:

"Waters" means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof.

2(a)(44) CGS §22a-354h reads:

“Well field” means the immediate area surrounding a public drinking water supply well or group of wells.

Section 3 Delineation of Aquifer Protection Area Boundaries

3(a) If the Agency is not the zoning commission, planning commission or the planning and zoning commission, then the other agency appointed as the aquifer protection agency must work with those commissions to have the aquifer protection area delineated on the official zoning map in accordance with section 3 of the APA Regulations.

3(b) DEP recommends limiting the extension of the boundary to the absolute minimum required area necessary to administer the program. See guidance for further information.

Section 4 Prohibited and Regulated Activities

4(b)(3) 40 CFR 271 is the section of the federal code that authorizes a memorandum of agreement (MOA) between EPA and the states to have the lead on Hazardous Waste under Section 3006 of RCRA. Under the MOA between CT DEP & EPA, the state has the lead on RCRA Corrective Action where sites are undergoing remedial cleanup of contamination. Our current records show there are 234 sites in CT in RCRA Corrective Action Program and of these, 12 are in APAs. At least 8 sites are active and would be able to register directly under APA program. Of the remaining sites, we are aware of only one site (Century Brass site in New Milford) which is municipally owned and would therefore be allowed the extended time frame to register.

4(c)(3) See definition of agriculture under section 2 of the APA Regulations.

Section 5 Activities Regulated by the State

5(a) CGS §22a-354p(g) gives the Commissioner the sole authority for aquifer protection registrations and permits for:

(A) any person to whom the commissioner has issued an individual permit under the national pollutant discharge elimination system (NPDES) of the federal Clean Water Act (33 USC 1251 et seq.) or under the state pollutant discharge elimination system (SPDES) pursuant to section 22a-430 or any person to whom the commissioner has issued a permit under the provisions of the federal Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.) for a treatment, storage or disposal facility,

(B) any public service company, as defined in section 16-1, providing gas, electric, pipeline, water or telephone service,

(C) any large quantity generator, as defined in regulations adopted by the commissioner under section 22a-449, or

(D) any state department, agency or instrumentality, except any local or regional board of education.

5(c) CGS §22a-354p(g) says:

Such authority may be exercised only after an advisory decision on such permit has been rendered to the commissioner by the aquifer protection agency of the municipality within which such aquifer protection area is located or thirty-five (35) days after receipt by the commissioner of the application for such permit, whichever occurs first.

Section 6 Application for Exemption from Prohibition or Regulation

Section 7 General Registration, Permit Application and Transfer Procedures

7 (b) The time frame is specified by statute under Connecticut General Statute 22a-354p(c).

Section 8 Registration Requirements

8(a) See section 4(b)(3) of this reference document for explanation of 40 CFR 271.

8(a)(1) See section 5(a) of these regulations for explanation of §22a-354p(g).

8(a)(2) See section 4(b)(3) of this reference document for explanation of 40 CFR 271.

8(f)(3) See section 7(b) for definition of date of receipt.

8(h) A transfer in ownership requires submittal of a form to the Agency that changes the name on the registration and the new owner must certify compliance with best management practices. The expiration date of the registration remains the same.

Section 9 Permit Requirements

9(b) See section 5(a) of these regulations for explanation of §22a-354p(g).

9(c) Connecticut General Statutes §22a-354p(c) specifies the number of days to take action on permit applications.

9(e) Please note that the time frame differs from the 60 days allowed in state regulations. The 30-day time period is established due to CGS section 22a-354p(c) requiring all local applications to be acted on by the agency within 65 days of receipt, in the absence of a public hearing.

9(k) The number of days the Agency has to notify the applicant or permittee of the decision of the permit is specified in Connecticut General Statute 22a-354p(d).

9(m) A transfer in ownership requires submittal of a form to the Agency that changes the name on the permit and the new owner must certify compliance with best management practices. The expiration date of the permit remains the same.

Section 10 Public Hearings Regarding Permit Applications

10(a) The number of days is specified in Connecticut General Statute 22a-354p(c). The time frames were intended to be consistent with Inland Wetlands but Inland Wetlands time frames have changed.

Section 11 Bond and Insurance Relevant to Permit Applications

Section 12 Best Management Practices

12(a)(5)(B) ISO 14001 is an internationally accepted specification for an environmental management system. It specifies requirements for establishing an environmental policy, determining environmental aspects & impacts of products/activities/services, planning environmental objectives and measurable targets, implementation & operation of programs to meet objectives & targets, checking & corrective action, and management review. For more information visit their web site at: <http://www.iso14000.com>.

12(b) A stormwater plan must meet the requirements of the commercial stormwater general permit. The permit requires the plan have the following components: Stormwater conveyance and management, pollution prevention, spill control/response, pavement sweeping, maintenance and inspection. The basic stormwater principals in aquifer protection areas are: prevent illicit discharges or releases to the ground, provide impervious pavement in areas of potential release, and provide measures where possible to infiltrate clean water. See guidance for additional information. The DEP 2004 Connecticut Stormwater Quality Manual provides comprehensive stormwater guidance and is available on the DEP's website at <http://www.dep.state.ct.us/wtr/stormwater/strmwtrman.htm>

Section 13 Other State, Federal and Local Laws

Section 14 Enforcement

14(d) CGS §22a-354s(b) reads:

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-354o to 22a-354t, inclusive, or section 14 of public act 89-305* or any ordinance or regulation promulgated by municipalities pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the commissioner, municipality, district or any person shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed, and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the municipality, district or person bringing such action.

(Sections 22a-354o to 22a-354t are the sections of the statute pertaining to municipal regulation of aquifer protection areas. Section 14 of public act 89-305 refers to a transportation study that DEP and Department of Transportation are required to conduct.)

CGS §22a-354s(c) reads:

(c) Any person who wilfully or knowingly violates any provision of sections 22a-354o to 22a-354t, inclusive, or section 14 of public act 89-305* shall be fined not more than one thousand dollars for each day during which such violation continues or be imprisoned not more than six months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

Section 15 Amendments

Section 16 Appeals

16(a) Within fifteen (15) days of publication of the regulation, order, decision or action, the aggrieved person may appeal to superior court.

Section 17 Conflict and Severance

Section 18 Application and Registration Fees

Section 19 Effective Date of Regulations



State of Connecticut

Department of Environmental Protection



Guidance for Adoption of Municipal Regulations

In order to regulate aquifer protection areas, the local aquifer protection agency must adopt aquifer protection regulations in accordance with Connecticut General Statutes (C.G.S.) Section 22a-354p and state regulations. Municipal regulations must provide for:

1. the manner in which the boundaries of aquifer protection areas shall be established and amended or changed;
2. the form for an application to conduct regulated activities within the area;
3. notice and publication requirements;
4. criteria and procedures for the review of applications; and
5. administration and enforcement.

No regulations of an aquifer protection agency shall become effective or be established until after a public hearing, at which interested parties and citizens have an opportunity to be heard. Local aquifer protection regulations must be consistent with the state regulations and the adopted regulations must be approved by the Connecticut Department of Environmental Protection (DEP). The Model Municipal Regulations for Aquifer Protection Areas have been prepared by DEP for use by municipal agencies in adopting regulations consistent with statutory requirements and state regulations.

The Adoption Process

The attached flow chart indicates the required actions and timeframes necessary to complete the regulation adoption process. Care should be taken to ensure that proper DEP, water company and public notices are given.

In particular, the municipality must:

- **send a copy of the hearing notice and proposed regulations to DEP, town clerk and affected water company(s) 35 days prior to hearing**
- **publish proper legal notices**
- **send a copy of the adopted regulations to DEP for final approval**

Send DEP copies to:

**Kim Czapla
Environmental Analyst 3
Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Aquifer Protection Area Program
79 Elm Street
Hartford, CT 06106-5127**

Model Municipal Regulations

CGS Section 22a-354l requires DEP to prepare a model municipal aquifer protection ordinance¹, consistent with regulations adopted under Section 22a-354i. The ordinance may be considered by municipal aquifer protection agencies in adopting regulations pursuant to Section 22a-354p. DEP encourages use of the Model Municipal Aquifer Protection Area Regulations to ensure state regulation consistency.

DEP has also prepared a reference document to provide the reader with a quick reference to the statutory and regulatory citations used in the Model Municipal Aquifer Protection Area Regulations.

Consistency with State Regulations

The adopted regulations shall not be effective unless the Commissioner of the Department of Environmental Protection (DEP) determines that they are reasonably related to the purpose of ground water protection and are not inconsistent with the state regulations. Regulations must be as stringent as state regulations. DEP is required to provide the agency with written notice of approval or the reasons the regulations cannot be approved within sixty days of receipt by DEP in accordance with Connecticut General Statutes (C.G.S.) Section 22a-354p(f).

Considerations for More Stringent Regulations

Although C.G.S. Section 22a-354p(f) allows local aquifer protection regulations to provide a greater level of protection than the state regulations, such authority is limited in scope and must be related to the purpose of ground water protection. Local regulation matters are limited to those matters specified in 22a-354p(a):

- (1) the manner in which the boundaries of aquifer protection areas shall be established and amended or changed;
- (2) the form for an application to conduct regulated activities within the area;
- (3) notice and publication requirements;
- (4) criteria and procedures for the review of applications; and
- (5) administration and enforcement.

The Aquifer Protection Act does not authorize local regulations to alter the scope of regulated activities. The authority for determining the scope of regulated activities is given solely to the DEP Commissioner under C.G.S. Section 22a-354i. The Commissioner may determine the scope of regulated activities, exceptions or conditions for non-regulated activities, exemptions, and best management practices. When considering more stringent local regulations, care must be taken to ensure they are limited to matters specified in Section 22a-354p(a) and are reasonably related to the protection of ground water. Any municipality considering a greater level of protection than provided in the DEP model municipal regulation is advised to discuss those with the DEP staff first before formally proposing regulations.

¹ DEP recognizes the ordinance as regulations.

Aquifer Protection Area Regulation Adoption Flow Chart

(CGS Sec. 22a-354p & RCSA Sec. 22a-354i-3)

