

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Environmental Protection

Subject

Aquifer Protection Areas-Land Use Controls

Inclusive Sections

§§ 22a-354i-1—22a-354i-10

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Aquifer Protection Areas-Land Use Controls

Sec. 22a-354i-1. Definitions

For the purpose of sections 22a-354i-1 to 22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies, the following definitions apply:

(1) “Affected water company” means “affected water company” as defined in section 22a-354h of the Connecticut General Statutes;

(2) “Applicant” means, as appropriate in context, a person who applies for an exemption under section 22a-354i-6 of the Regulations of Connecticut State Agencies, or a permit under section 22a-354i-8 of the Regulations of Connecticut State Agencies;

(3) “Application” means, as appropriate in context, an application for an exemption under section 22a-354i-6 of the Regulations of Connecticut State Agencies, or an application for a permit under section 22a-354i-8 of the Regulations of Connecticut State Agencies;

(4) “Aquifer protection area” means “aquifer protection area” as defined in section 22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to section 22a-354i-4 of the Regulations of Connecticut State Agencies;

(5) “Area of contribution” means “area of contribution” as defined in section 22a-354h of the Connecticut General Statutes and as mapped in accordance with section 22a-354b-1 of the Regulations of Connecticut State Agencies;

(6) “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;

(7) “Certified Hazardous Materials Manager” means a hazardous materials manager certified by the Institute of Hazardous Materials Managers 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;

(8) “Commissioner” means the Commissioner of Environmental Protection, or his or her agent;

(9) “Domestic sewage” means “domestic sewage” as defined in section 22a-430-3(a) of the Regulations of Connecticut State Agencies;

(10) “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;

(11) “Floor drain” means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;

(12) “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 section 22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any

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pesticide as defined in section 22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in section 22a-448 of the Connecticut General Statutes;

(13) “Hazardous waste” means “hazardous waste” as defined in section 22a-449(c)-101 of the Regulations of Connecticut State Agencies;

(14) “Industrial laundry” means a facility for washing clothes, cloth or other fabric used in industrial operations;

(15) “Infiltration device” means any discharge device installed below or above the ground surface which device is designed to discharge liquid to the ground;

(16) “Inland wetland map” means a map pursuant to section 22a-42a of the Connecticut General Statutes;

(17) “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 and Registrar Accreditation Board;

(18) “Level A mapping boundary” means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to sections 22a-354c, 22a-354d or 22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;

(19) “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;

(20) “Municipal aquifer protection agency” means the board or commission authorized by the municipality under section 22a-354o of the Connecticut General Statutes;

(21) “Municipality” means “municipality” as defined in section 22a-354h of the Connecticut General Statutes;

(22) “Owner” means the owner or lessee of the facility in question;

(23) “De-icing chemical” means sodium chloride, calcium chloride, or calcium magnesium acetate;

(24) “Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, federal agencies as permitted by law, or other legal entity of any kind;

(25) “Pollution” means “pollution” as defined in section 22a-423 of the Connecticut General Statutes;

(26) “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;

(27) “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;

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(28) “Publicly owned treatment works” means “publicly owned treatment works” as defined in section 22a-430-3 of the Regulations of Connecticut State Agencies;

(29) “Public service company” means “public service company” as defined in section 16-1 of the Connecticut General Statutes;

(30) “Public supply well” means “public supply well” as defined in section 19-13-B51b of the Regulations of Connecticut State Agencies;

(31) “Recharge area” means “recharge area” as defined in section 22a-354h of the Connecticut General Statutes and as mapped in accordance with section 22a-354b-1 of the Regulations of Connecticut State Agencies;

(32) “Registered regulated activity” means a regulated activity which has been registered in accordance with section 22a-354i-7 of the Regulations of Connecticut State Agencies, and is conducted at the facility identified in such registration;

(33) “Registrant” means a person, who or which, has submitted a registration for a regulated activity in accordance with section 22a-354i-7 of the Regulations of Connecticut State Agencies;

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

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

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

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

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

(E) salvage operations of metal or vehicle parts,

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

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

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

(I) clothes or cloth cleaning service which involves the use, storage or disposal of

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hazardous materials including without limitation dry-cleaning solvents,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(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 deicing parking areas or access roads to parking areas,

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

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

(AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and

(BB) pulp production processes that involve bleaching;

(35) “Release” means “release” as defined in section 22a-133k-1 of the Regulations of Connecticut State Agencies;

(36) “State aquifer protection regulations” means sections 22a-354i-1 to 22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;

(37) “Storage” means the holding or possession of any hazardous material;

(38) “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;

(39) “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;

(40) “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;

(41) “Vehicle” or “vehicles” means a “vessel” as defined by section 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 or snowmobile;

(42) “Waters” means “waters” as defined in section 22a-423 of the Connecticut General Statutes;

(43) “Well field” means “well field” as defined in section 22a-354h of the Connecticut General Statutes; and

(44) “Zoning district map” means any map showing zoning districts prepared in accordance with maps adopted pursuant to section 8-3 of the Connecticut General Statutes.

(Adopted effective February 2, 2004)

Sec. 22a-354i-2. Delineation of aquifer protection area boundaries

(a) The municipal zoning, planning, or planning and zoning commission shall complete

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the following not later than one hundred twenty (120) days after being notified by the Commissioner that one or more level A mapping boundaries are located entirely or partially within such municipality:

(1) Delineate such boundaries on the municipal zoning map adopted pursuant to section 8-3 of the Connecticut General Statutes, or on the municipal inland wetlands and watercourses map adopted pursuant to section 22a-42a of the Connecticut General Statutes if such zoning map does not exist;

(2) designate such delineated areas as aquifer protection areas; and

(3) publish notice of such delineation in a newspaper having substantial circulation in the area of such delineation.

(b) The notice required by subsection (a)(3) of this section shall include at least the following:

(1) A map or a detailed description of the subject aquifer protection area; and

(2) the name, address, and telephone number of a representative of the municipal aquifer protection agency who may be contacted for further information.

(c) No later than one hundred twenty (120) days after receiving notification from the Commissioner that an aquifer protection area boundary has been amended in accordance with section 22a-354b-1(i) or 22a-354b-1(j) of the Regulations of Connecticut State Agencies, each municipality affected by the amended boundary shall amend such municipal zoning district map or inland wetland map to reflect such amended boundary.

(Adopted effective February 2, 2004)

Sec. 22a-354i-3. Adoption of municipal regulations; commissioner's approval

(a) Not later than six (6) months after a municipality receives notice from the Commissioner that a level A mapping boundary is located in such municipality, the municipal aquifer protection agency thereof shall adopt regulations pursuant to section 22a-354p of the Connecticut General Statutes.

(b) The Commissioner shall submit written notification of approval or disapproval of such regulations to the municipal aquifer protection agency pursuant to section 22a-354p(f) of the Connecticut General Statutes. If the Commissioner disapproves a municipal regulation, the municipal aquifer protection agency shall, not later than ninety (90) days after such disapproval, adopt and submit a revision that corrects and addresses the deficiencies identified by the Commissioner. The Commissioner shall consider such revised regulation in the same manner he considers a regulation submitted under this section.

(c) Once a regulation becomes effective pursuant to section 22a-354p(f) of the Connecticut General Statutes, any amendments thereto shall only become effective when the Commissioner determines, in writing, that the amended regulation is reasonably related to ground water protection and is not inconsistent with the state aquifer protection regulations.

(Adopted effective February 2, 2004)

Sec. 22a-354i-4. Extension of aquifer protection area boundaries for administrative purposes; approval

(a) A municipal aquifer protection agency may submit a written request to the Commissioner to extend an aquifer protection area boundary adopted under section 22a-354i-2 of the Regulations of Connecticut State Agencies to coincide with the nearest property line, municipal boundary or topographic feature. Such proposed 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.

(b) Any request by a municipal aquifer protection agency to the Commissioner for extension of an aquifer protection area boundary under subsection (a) of this section shall include at least the following:

(1) A map to scale delineating (A) the level A mapping boundary proposed to be extended within such municipality, and (B) the proposed extension of the aquifer protection area boundary;

(2) a certification by the chairperson of the requesting municipal aquifer protection agency that such agency has provided notice of such request to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:

(A) Such notice shall include at least the following:

(i) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,

(ii) the name, address, and telephone number of a representative of the municipal aquifer protection agency who may be contacted for further information, and

(iii) a statement that any person may, not later than thirty (30) days after said notification, submit to the municipal aquifer protection agency written comments on such proposed boundary extension;

(B) Such notice shall be effectuated by the following:

(i) Delivery of notice by certified mail to those individuals and entities identified in subdivision (2) of this subsection, or

(ii) 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 must be at least four square feet in size; and

(3) a summary of all comments received by such agency regarding the proposed extension and its response to each comment.

(c) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the requesting municipal aquifer protection agency shall delineate such extended boundary on the municipal zoning district

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or inland wetland map identified in section 22a-354i-2 of the Regulations of Connecticut State Agencies and shall designate such delineated area as an aquifer protection area.

(Adopted effective February 2, 2004)

Sec. 22a-354i-5. 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 section 22a-354i-9 of the Regulations of Connecticut State Agencies; and

(2) a regulated activity which has received a permit issued pursuant to section 22a-354i-8 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 section 22a-354m(d) of the Connecticut General Statutes;

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

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

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

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

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

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

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

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

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

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

(D) such activity does not involve (i) repair or maintenance of internal combustion

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engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than 110 gallons of such lubricating oil and associated hazardous waste; and

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

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

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

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

(Adopted effective February 2, 2004)

Sec. 22a-354i-6. Application for an exemption from prohibition or regulation

(a) The Commissioner may, after the receipt of an application in accordance with the provisions of this section, exempt a regulated activity from the state aquifer protection regulations if he determines that such activity does not and will not pose a threat to any public supply well subject to regulation under section 22a-354c or 22a-354z of the Connecticut General Statutes. An exemption shall not be granted unless the owner of such activity clearly and convincingly demonstrates and the Commissioner finds that, if any hazardous material is released into the ground from the subject regulated activity, treatment would not be required to render the ground water suitable for drinking. Any exemption granted by the Commissioner shall be in writing, shall explicitly state the findings upon which the exemption was granted, and shall provide for the terms of such exemption.

(b) An applicant for an exemption under subsection (a) of this section shall submit an application therefor to the Commissioner on a form prescribed by him, and shall concurrently submit a copy of such application to the municipal aquifer protection agency, any affected water company and the Commissioner of Public Health. The application shall include at least the following:

(1) A map showing the location of the subject regulated activity plotted on a 1:24,000 scale United States Geological Survey topographic quadrangle base;

(2) a description of the purpose and nature of the subject regulated activity, and any associated processes;

(3) a description of the chemical composition of the hazardous material and means of disposal of any waste, including waste water, generated or to be generated in connection with the subject regulated activity;

(4) a map showing the location of all points of any waste water discharged or to be discharged to waters of the state, plotted on a 1:24,000 scale United States Geological Survey topographic quadrangle base, and if the discharge points are of a density such that they may not be clearly shown at the scale of 1:24,000, an enlargement of that area showing the discharge points shall be provided;

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(5) a written demonstration that any hazardous material released into the ground from the subject regulated activity would not render the ground water unsuitable for drinking without treatment;

(6) any other information that the Commissioner reasonably deems necessary to determine whether the subject regulated activity poses or may pose a threat to the ground water; and

(7) the following certification by the applicant and a certified hazardous materials manager or a professional engineer signed after satisfying the statements set forth in the following certification:

“I have personally examined and am familiar with the information submitted in this exemption application 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 section 53a-157b of the Connecticut General Statutes and any other applicable law.”

(c) A municipal aquifer protection agency, any affected water company or the Commissioner of Public Health may, not later than sixty (60) days after receiving a copy of an application for exemption under this section, submit to the Commissioner written comments on such application. The Commissioner shall give due consideration to any such comments.

(d) The Commissioner shall send a notice by certified mail to the applicant of his approval or denial of an exemption application and a copy of the notice to the Commissioner of the Department of Public Health, the affected water company and the municipal aquifer protection agency.

(e) If the Commissioner denies an application for an exemption for a regulated activity, such regulated activity is prohibited unless such activity can be registered pursuant to section 22a-354i-7 of the Regulations of Connecticut State Agencies. Any such registration shall be made not later than thirty (30) days after receipt of the Commissioner’s written disapproval of the exemption. The Commissioner shall send notice of said disapproval by certified mail.

(Adopted effective February 2, 2004)

Sec. 22a-354i-7. Registration of regulated activities

(a) The Commissioner shall process registrations for those regulated activities specified in section 22a-354p(g) of the Connecticut General Statutes. The municipal aquifer protection agency shall process registrations for all other regulated activities.

(b) 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

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municipal zoning district map or inland wetland map, whichever occurs later, shall register the activity on a form prescribed by the Commissioner in accordance with this section unless such person has pending an application for an exemption pursuant to section 22a-354i-6 of the Regulations of Connecticut State Agencies.

(1) If the regulated activity is specified in section 22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Commissioner not later than one hundred eighty (180) days, unless otherwise authorized in writing by the commissioner, after adoption of regulations pursuant to section 22a-354p of the Connecticut General Statutes; or the designation the aquifer protection area pursuant to section 22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Said person shall simultaneously file a copy of the registration with the municipal aquifer protection agency, Commissioner of Public Health and the affected water company.

(2) If the regulated activity is not specified in section 22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the municipal aquifer protection agency not later than one hundred eighty (180) days, unless otherwise authorized in writing by the commissioner, after adoption of regulations pursuant to section 22a-354p of the Connecticut General Statutes; or the designation the aquifer protection area pursuant to section 22a-354i-2 of the Regulations of Connecticut State Agencies; whichever occurs later. Said person shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.

(c) A registration shall include the following:

(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 22a-354i-1(34) of the Regulations of Connecticut State Agencies, 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 22a-354i-9(a) of the Regulations of Connecticut State Agencies, as follows, signed after satisfying the statements set forth in the following certification:

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“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 section 53a-157b of the Connecticut General Statutes and any other applicable law.”

(d) When deemed necessary to protect a public supply well subject to regulation under section 22a-354c or section 22a-354z of the Connecticut General Statutes, the Commissioner or the municipal aquifer protection agency, as appropriate, may:

(1) require, by written notice, any registrant to submit for review and written approval a storm water management plan in accordance with section 22a-354i-9(b) of the Regulations of Connecticut State Agencies; if so required, the storm water management plan shall be implemented 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 22a-354i-9(a)(5) of the Regulations of Connecticut State Agencies; if so required, the materials management plan shall be implemented immediately upon its approval.

(e) General provisions in the issuance of all registrations are as follows:

(1) The Commissioner or municipal aquifer protection agency, as appropriate, 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 Commissioner or municipal aquifer protection agency, as appropriate, are subject to and do not derogate any present or future rights or powers of the Commissioner, municipal aquifer protection 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 Commissioner or municipal aquifer protection agency, as appropriate; and

(4) the registrant shall apply to the Commissioner or municipal aquifer protection agency, as appropriate, to renew the registration on a form prescribed by the Commissioner for a facility prior to expiration of such registration. 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.

(f) If a regulated activity which is eligible for registration in accordance with subsection (b) of this section fails to be registered or if the registrant of an active registered activity

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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 (e)(4) of this section.

(g) The registrant may apply to transfer the registration for a facility. Such application for transfer shall be made to the commissioner or municipal aquifer protection agency, as appropriate.

(1) A registration for regulated activities specified in section 22a-354p(g) of the Connecticut General Statutes, may be transferred by the Commissioner. Such transfer shall be executed in conformance with sections 22a-6o and 22a-6m of the Connecticut General Statutes using a form prescribed by the Commissioner.

(2) A registration for regulated activities not specified in section 22a-354p(g) of the Connecticut General Statutes may be transferred by the municipal aquifer protection agency. Such transfer shall be executed using a form prescribed by the Commissioner and submitted to the municipal aquifer protection agency.

(h) If the Commissioner, or the municipal aquifer protection agency, as appropriate, determines that a registration submitted in accordance with subsection (b), (e) or (f) of this section is incomplete, the Commissioner or the municipal aquifer protection agency shall reject the registration and notify the registrant of what additional information is needed and the date by which it must be submitted. If the registration submitted in accordance with subsection (b), (e) or (f) of this section is determined to be complete and the regulated activity is eligible for registration, the commissioner or municipal aquifer protection agency, as appropriate, 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 or notice that the regulated activity is not eligible for registration from the Commissioner, or the municipal aquifer protection agency, as appropriate, not later than one hundred eighty (180) days after the date the registration is received by the Commissioner or municipal aquifer protection agency, as appropriate.

(Adopted effective February 2, 2004)

Sec. 22a-354i-8. 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 Commissioner shall process permit applications for those regulated activities specified in section 22a-354p(g) of the Connecticut General Statutes. The municipal aquifer protection agency shall process permit applications for all other regulated activities.

(c) An application for a permit shall be made on a form prescribed by the Commissioner. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner or municipal aquifer protection agency, as appropriate, 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 22a-354i-7(c) of the

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(2) a confirmation and commitment that all regulated activities at the facility shall:

(A) be and remain in compliance with section 22a-354i-9(a) of the Regulations of Connecticut State Agencies,

(B) not increase the number of underground storage tanks used for storage of hazardous materials, and

(C) be in and remain in compliance with all local, state, and federal environmental laws;

(3) a materials management plan prepared in accordance with section 22a-354i-9(a)(5) of the Regulations of Connecticut State Agencies;

(4) a storm water management plan in accordance with section 22a-354i-9(b) of the Regulations of Connecticut State Agencies;

(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 Commissioner, or municipal aquifer protection agency as appropriate, may require submission of a copy of any official document associated with the proceeding, the final judgment or order;

(6) for regulated activities specified in section 22a-354p(g) of the Connecticut General Statutes, the compliance information required by subdivision (5) of this subsection is in addition to any information that the Commissioner may require pursuant to section 22a-6m of the Connecticut General Statutes;

(7) any additional information deemed necessary, by the Commissioner or municipal aquifer protection agency as appropriate, regarding potential threats to the ground water and proposed safeguards; and

(8) 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 section 53a-157b of the Connecticut General Statutes and any other applicable law.”

(d) A municipal aquifer protection agency, the Commissioner, any affected water company or the Commissioner of Public Health may, not later than sixty (60) days after

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receiving a copy of an application for a permit under this section, submit to the Commissioner or municipal aquifer protection agency, as appropriate, written comments on such application. The Commissioner or municipal aquifer protection agency, as appropriate, shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner or municipal aquifer protection agency, as appropriate, the affected water company and the Commissioner of Public Health.

(e) The Commissioner or municipal aquifer protection agency, as appropriate, shall not issue a permit unless a complete application has been received and the applicant demonstrates, to the Commissioner's or municipal aquifer protection agency's satisfaction, as appropriate, that all applicable requirements of this section 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 22a-354i-9(a)(3) of the Regulations of Connecticut State Agencies;

(3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with sections 22a-354i-9(a)(5) and 22a-354i-9(b), respectively, of the Regulations of Connecticut State Agencies;

(4) the applicant has submitted a confirmation and commitment that all regulated activities shall be and remain in compliance with all local, state and federal environmental laws in accordance with subsection (c)(2)(C) of this section;

(5) the applicant's compliance record shall 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 22a-354i-9 of the Regulations of Connecticut State Agencies;

(7) the registered regulated activity is being conducted in accordance with section 22a-354i-9 of the Regulations of Connecticut State Agencies; and

(8) the certification required under subsection (c)(8) of this section has been signed by the applicant and the individual responsible for preparing the application.

(f) The Commissioner or municipal aquifer protection agency, as appropriate, 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 22a-354i-9 of the Regulations of Connecticut State Agencies; and

(2) ground water monitoring.

(g) General provisions in the issuance of all permits are as follows:

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(1) The Commissioner or municipal aquifer protection agency, as appropriate, 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 Commissioner or municipal aquifer protection agency, as appropriate, are subject to and do not derogate any present or future rights or powers of the Commissioner, municipal aquifer protection 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; and

(3) the permit shall expire ten (10) years from the date of issuance of such permit by the Commissioner or municipal aquifer protection agency, as appropriate.

(4) A person shall apply to the Commissioner or municipal aquifer protection agency, as appropriate, to renew the permit on a form prescribed by the Commissioner prior to expiration of such permit. Such renewal shall be granted upon request by the Commissioner or municipal aquifer protection agency, as appropriate, unless a substantial change in the permitted activity has been made, 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 of the Regulations of Connecticut State Agencies.

(h) A person may request a modification of a permit from the Commissioner or municipal aquifer protection agency, as appropriate. Such request shall be on a form prescribed by the Commissioner, and shall include the facts and reasons supporting the request. The Commissioner or municipal aquifer protection agency, as appropriate, may require the applicant to submit a new application for a permit or renewal in lieu of a modification request.

(i) A person may apply to transfer the permit for a facility. Such application for transfer shall be made to the Commissioner or municipal aquifer protection agency, as appropriate.

(1) A permit for regulated activities specified in section 22a-354p(g) of the Connecticut General Statutes, may be transferred by the Commissioner. Such transfer shall be executed in conformance with sections 22a-6o and 22a-6m of the Connecticut General Statutes using a form prescribed by the Commissioner.

(2) A permit for regulated activities not specified in section 22a-354p(g) of the Connecticut General Statutes may be transferred by the municipal aquifer protection agency. Such transfer shall be executed using a form prescribed by the Commissioner and submitted to the municipal aquifer protection agency.

(Adopted effective February 2, 2004)

Sec. 22a-354i-9. Best management practices for regulated activities

(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

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only in accordance with the following conditions:

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

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

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

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

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

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

(G) hazardous material shall be stored only in an area that is secured against 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, as amended;

(2) no person shall increase the number of underground storage tanks used to store hazardous materials;

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

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

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

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

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(i) A pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,

(ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:

(a) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,

(b) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and

(c) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,

(iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,

(iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and

(v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;

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

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

(b) The development and implementation of a storm water management plan shall be required for regulated activities in accordance with sections 22a-354i-7(d) and 22a-354i-8(c) of the Regulations of Connecticut State Agencies, as follows:

(1) A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to section 22a-430b of the Connecticut General Statutes; and

(2) upon approval by the Commissioner or the municipal aquifer protection agency, as

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appropriate, the storm water management plan shall be enforceable by the Commissioner or such agency, as appropriate.

(Adopted effective February 2, 2004)

Sec. 22a-354i-10. Other state, federal and local laws

Nothing in any exemption issued under section 22a-354i-6 of the Regulations of Connecticut State Agencies, any registration submitted under section 22a-354i-7 of the Regulations of Connecticut State Agencies, or any regulated activity permitted under section 22a-354i-8 of the Regulations of Connecticut State Agencies shall relieve any person of any other obligations under any local, state, or federal law.

(Adopted effective February 2, 2004)