

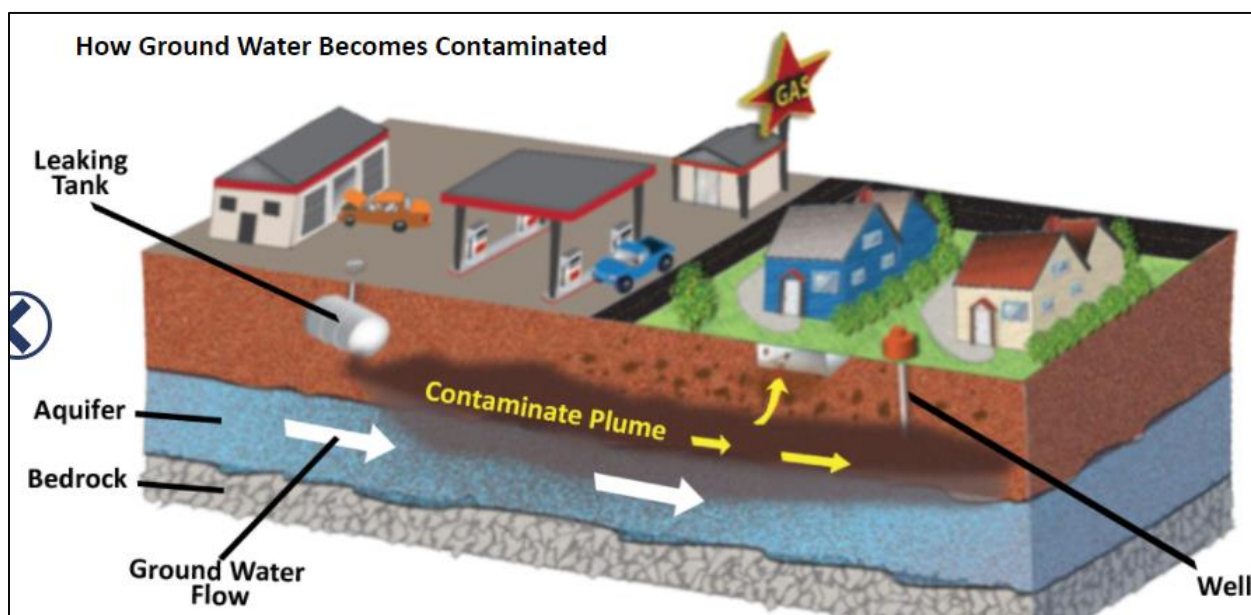
APA Synopsis

It is **STRONGLY recommended** all commissioners on the Aquifer Protection Agency and staff review the APA Training Course with UCONN's online learning platform: https://clear.uconn.edu/training/DEEP_APA_training.htm

Course Contact for help: jean.madden-hennessey@uconn.edu

Background

Properties were originally grandfathered into the program back in 2006. The grandfathered status stays with the property unless the property does not renew the registration due to not having a regulated activity, or if the property chooses to no longer keep the grandfathered status. The APA Registration allows the facility to preserve their right to continue operations in the AP area by registering their activities. Failure to register results in a loss of ability to conduct these activities or an enforcement action. Note that if a business wants to add or change their activity, they must apply for the Aquifer Protection Permit application.



The Aquifer Protection Agency (P&Z Commission)

The Agency has jurisdiction over all regulated activities that are not regulated by the state of CT DEEP. The regulations give the Agency the authority to request the information necessary for a clear and fair determination of the facility boundary. The Agency may therefore request documentation of property ownership, lease, or purchase options, as well as a detailed map or site plan of such areas.

Types of Applications

1. Aquifer Registration-New or expired (Permit is required when changing a registered regulated activity)
2. Aquifer Registration Transfer-Old owner to new owner of site
3. Aquifer Permit-rarely do-For large or state facilities
4. Aquifer Regulation Amendment
5. Aquifer Map Boundary Delineation/Map Change
6. Aquifer Permit Extension or Modification

Applications 3-6 require public hearings, or unless a public hearing is requested by the Agency. A Legal Notice of Meeting should be published every month and can be combined on the P&Z Legal Notice Ad.

Application Requirements

1. Paper form of APA Application Rev. 2021 (K Drive for Staff)
2. US Quad Topo Map
3. BMP
4. MMP
5. Storm water plan (if requested by agency)
6. Application Processing Fee \$250.00 (Fee varies by site acreage)
7. Site Inspection Report and Staff Report
8. Include any and all emails associated with each application on file for the Record and minutes of the APA Meeting.

The **BMP** purpose is to know how the facility is protecting the environment from its activities. This report includes wastewater disposal information, stormwater disposal information, and materials managements information. If a facility is directly releasing water into the ground, a state permit is required from DEEP.

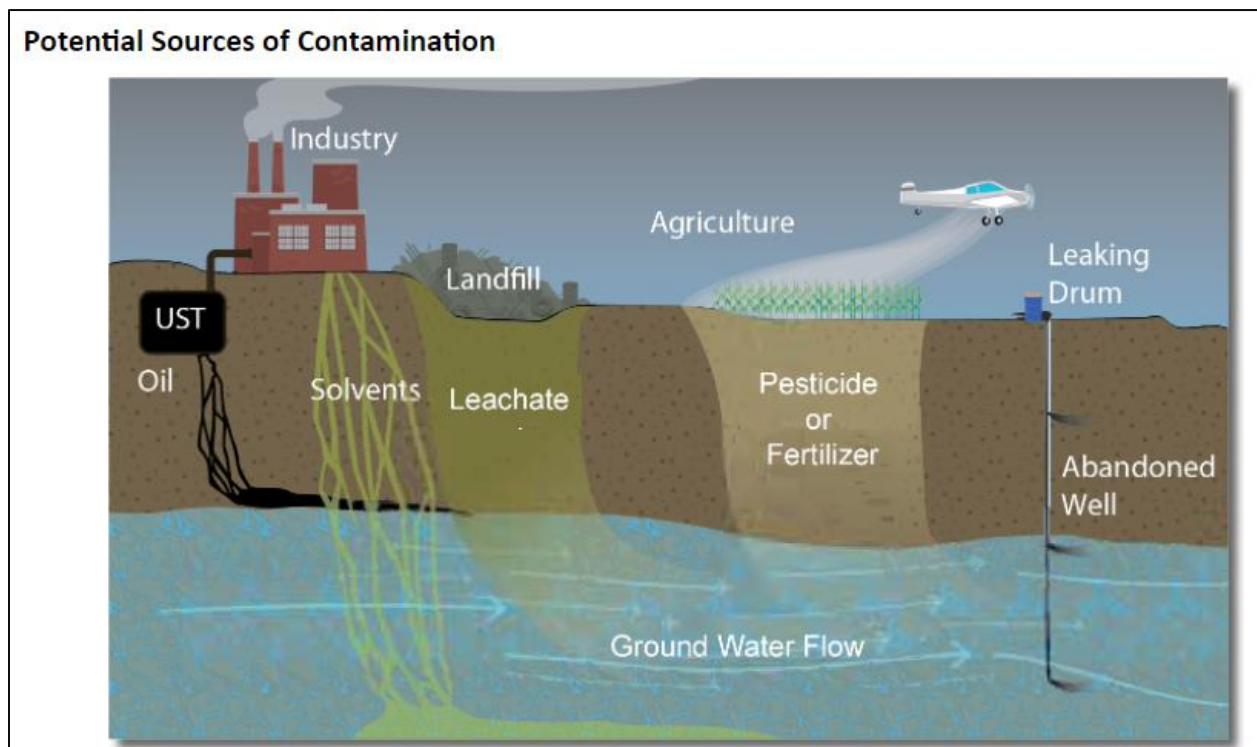
The **MMP** purpose is to know how materials are managed on site. This document should include information on the cleaning, storing, and information of all chemicals on site. The MMP and the BMP should always be on site for aquifer registered facilities. The MMP is also a pollution prevention plan. It should include the following:

- o Description of operation of practices that show threats to the aquifer
- o Name, Address, Mailing Address, Title, Phone number of emergency individuals
- o Record-keeping system to account for types, quantities, and deposition of Hazardous materials
- o Emergency response plan for responding to a release of hazardous materials

Regulated Activities

There are **28 total regulated activities**. Regulated activities are land use activities conducted at businesses that use, store, and/or handle hazardous material that potentially threaten groundwater. If connected to a public sewer system, the following are not regulated: Wood Finishing, embalming services, commercial laundry, and car washes.

Example: Gas stations are a regulated land use and new gas stations cannot be developed in Aquifer Protection Areas. Other examples include automotive and engine service stations, metal fabricators, industrial activities, and dry cleaners.



1. Underground Storage or Transmission of Oil, Petroleum or Hazardous Material

- a. This includes all underground storage or transmission of oil or petroleum except
 - i. Activities preempted by federal law (pipelines, etc.)
 - ii. An underground storage tank that contains #2 fuel oil and is located more than 500 feet from an Aquifer Protection Area well.
 - iii. Underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public services company



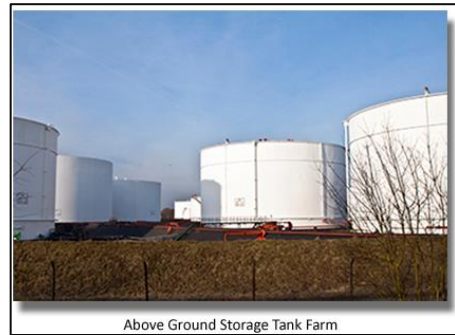
- b. This includes gas stations, automotive or fleet garage, misc. businesses. Concerns include tank, pipes, and joint leaks releasing liquid fuel or hazardous material
- c. Note that #2 fuel oil does not move quickly through the groundwater system, and if the tank is beyond 500 feet of the APA Well the potential for contamination is minimal.
- d. Propane is not a regulated activity and not a concern. It can be considered hazardous due its flammable and explosive potential; however, it volatilizes rapidly and it off-gases instead of moving through groundwater.

2. Oil or Petroleum Dispensing for the purpose of retail, wholesale, or fleet use

- a. Includes all oil or petroleum dispensing for the purpose of retail, wholesale, or fleet use except:
 - i. Above-ground storage of less than two thousand gallons provided all the following conditions are stratified:
 - 1. The dispensing takes place solely on a paved surface with is covered by a roof
 - 2. The above-ground storage tanks are a double walled tank with overfill alarms
 - 3. And all associated piping is either above ground or has secondary containment.
 - ii. This includes gas stations, automotive or fleet garages, fuel oil dealers. Concerns are leaks, drips, tank ruptures releasing liquid fuel and petroleum hydrocarbons.

3. On-site storage of hazardous materials for the purpose of wholesale sale

- a. Includes all on-site storage of hazardous materials for the purpose of wholesale sale
 - i. Examples include chemical warehouses, bulk storage facilities, and tank farms. Concerns are large volumes of various hazardous materials, stored or distributed that might contaminated groundwater as a result of tank ruptures, accidental spills, poor management practices, flooding, or fire.



4. Vehicle Repair or Maintenance

- a. Includes all repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials including:
 - i. Solvents, lubricants, paints, brake fluids, and transmission fluids or the generation of hazardous wastes
 - ii. Examples include auto service, car dealers, auto body repair, aircraft repair, boat or marine dealer repair, fleet or municipal garage, marine, recreational vehicle, motorcycle dealer, construction equipment repair or rental, tractor, and lawn mower repair
 - iii. Concerns are fuel storage, the use and storage of oils, waste oils, paints, thinners, various solvents, brake, and transmission fluid with potential to release petroleum hydrocarbons and solvents.

5. Salvage Operations of Metal or Vehicle Parts

- a. Includes all salvage operations of metal or vehicle parts.
 - i. Examples include auto recyclers, junk yards, salvage yards.
 - ii. Concerns are fuel storage, the use and storage of oils, waste oils, various solvents, brake and transmission fluids with potential to release petroleum hydrocarbons, solvents, and heavy metals like lead.



Auto Recycler Junk Yard

6. Non-Domestic Wastewater Discharges to Ground Water

- a. Includes all wastewater discharges to the ground water except:
 - i. Domestic sewage
 - ii. Stormwater
 - iii. The following if they have a DEEP Discharge permit
 - 1. A pump and treat system for ground water remediation
 - 2. A potable water treatment system (DPH 1/1/2018)
 - 3. Heat pump system
 - 4. Non-contact cooling water system
 - 5. Swimming pools
 - iv. Examples include industrial businesses or commercial service facilities.
 - v. Concerns are discharge of non-biodegradable waste to groundwater; persistent organic and inorganic compounds.

7. Car or Truck Washing

- a. Includes all car or truck washing unless all waste waters are disposed of through a connection to a publicly owned treatment works.
 - i. Examples include car and truck washes, possibly vehicle sales or service
 - ii. Concerns are wastewaters carrying petroleum hydrocarbons and other contaminants to groundwater
 - iii. Note that the concern is the contaminants washed off vehicles into the wastewater. If connected to a public sewer, this is not a threat to the groundwater. However, discharge of the wastewater to the ground through a septic system or dry well is a concern. This activity requires a permit from DEEP.

8. Chemical Production

- a. Includes all production or refining of chemicals, including hazardous materials or asphalt
 - i. Examples include chemical, petroleum, asphalt, or pesticides manufacturers
 - ii. Concerns include storage, use and production of chemicals, equipment, cleaning and maintenance, and hazardous waste generation



Asphalt Plant

9. Clothes or Cloth Cleaning Services

- a. Includes clothes or cloth cleaning services which involves the use storage or disposal of hazardous materials including without limitation dry-cleaning solvents
 - i. Examples include dry cleaners
 - ii. Concerns are dry cleaning solvents, storage, use and disposal of industrial strength cleaning solvents/agents
 - iii. Note that if the dry cleaner is just a store-front that sends the clothes off site for cleaning, the store is not regulated under the programs. Only dry cleaners that clean on-site are regulated.

10. Industrial Laundry Service

- a. Includes all industrial laundry service which involves the cleaning of clothes or cloth contaminated by hazardous materials (but does not use dry-cleaning solvents for cleaning) unless all waste waters are disposed of through a connection to a publicly owned treatment works
 - i. Examples: industrial laundries
 - ii. Concerns – wastewaters and the storage, use and disposal of industrial strength cleaning agents
 - iii. Note: industrial laundry service that is connected to a public sewer system is not regulated under the program.



11. Power Generation

- a. Includes all generation of electrical power by means of fossil fuels except generation:
 - i. By an emergency engine
 - ii. By means of natural gas or propane
 - iii. Examples: power plants
 - iv. Concerns – risks associate with fuel storage/use, large quantities of waste generation, machine shops, and equipment maintenance

12. Electrical, Electronics Production

- a. Includes 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.
 - i. Examples: electrical equipment or electronics manufacturer
 - ii. Concerns - storage and use of hazardous material, hazardous waste generation, equipment cleaning and maintenance, and machine shops with heavy metals, chlorinated solvents, strong acids and alkalis, paint and thinner wastes and waste oils

13. Embalming or Crematory Services

- a. Includes embalming or crematory services which involve the use, storage, or disposal of hazardous materials unless all waste waters are disposed of through a connection to a publicly owned treatment works.
 - i. Examples: funeral homes, crematories

- ii. Concerns – wastewaters with chemicals from embalming fluid like formaldehyde, glutaraldehyde, ethanol, humectants and wetting agents, and other solvents
- iii. Note: embalming or crematory services that are connected to a public sewer system are not regulated under the program.

14. Furniture Stripping

- a. Includes furniture stripping operations which involve the use, storage, or disposal of hazardous materials.
 - i. Examples: furniture strippers or refinishers
 - ii. Concerns – use of chlorinated solvents and other hazardous materials used to strip finishes from furniture



Furniture Stripping

15. Furniture Finishing

- a. Includes furniture finishing operations which involve the use, storage, or disposal of hazardous materials (but not stripping) unless all waste waters are disposed of through a connection to a publicly owned treatment works.
 - i. Examples: furniture manufacturer or repair
 - ii. Concerns – general use of solvents, paints, thinners, and other hazardous materials
 - iii. Note: furniture finishing services that are connected to a public sewer system are not regulated under the program.

16. Hazardous Waste Treatment, Storage, or Disposal Facility

- a. Includes all storage, treatment, or disposal of hazardous waste subject to a DEEP Permit.
 - i. Examples: hazardous waste storage, treatment, or disposal facilities
 - ii. Concerns – spills, leaks, and possible leachate from storage and processing of wastes; various potential organic and inorganic contaminants



Hazardous Waste Storage

17. Biological or Chemical Testing

- a. Includes biological or chemical testing, analysis or research which involves the use, storage, or disposal of hazardous material, and unless all waste waters are disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a water utility is not a regulated activity.
 - i. Examples: biological or chemical laboratories
 - ii. Concerns – wastewaters that may carry pathogens, nitrates, volatile organic compounds, other organic and inorganic compounds

18. Pest Control services

- a. Includes pest control services which involve storage, mixing or loading of pesticides or other hazardous materials.
 - i. Examples: lawn care, pest control services

- ii. Concerns – storage and mixing of chemicals, equipment cleaning, equipment fueling and maintenance; various pesticides
- iii. Note: this is not where pesticides are applied. If applied in accordance with application guidelines, this does not pose a threat to groundwater. This applies to the facility where pesticides are stored in large volumes and where the mixing and equipment cleaning occur.



19. Photographic Finishing

- a. Includes photographic finishing which involves the use, storage, or disposal of hazardous materials unless all waste waters are disposed of through a connection to a publicly owned treatment works.
 - i. Examples: photographic finishing laboratories
 - ii. Concerns – silver, cyanide, chromium, and other chemicals found in waste wash waters
 - iii. Note: photo finishing operations typically use cartridge systems for the machines where the chemicals are contained. Wastewaters that are discharged to a public sewer system, not to the ground water system, pose a minimal threat. Photographic finishing services that are connected to a public sewer system are not regulated under the program.

20. Production or Fabrication of Metal

- a. Includes 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,
 - iii. or metal etching
- b. Examples: metal foundry, finisher, machine shop, fabricator, plate maker
- c. Concerns – storage and use of hazardous material, hazardous waste generation, equipment cleaning and maintenance, machine shops; heavy metals, chlorinated solvents, strong acids and alkalis, waste oils, phenols, PCBs, Cyanides



21. Printing

- a. Includes printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage, or disposal of hazardous materials.
 - i. Examples: printer or publisher
 - ii. Concerns – storage and use of ink chemicals, equipment cleaning, engraving; chlorinated solvents, phenols, hydrocarbon compounds
 - iii. Note: copy centers are not a concern, as these utilize cartridge systems

22. Waste Recycling Facility

- a. Includes accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a DEEP General Permit.
 - i. Examples: recycling facility, collection, or transfer station
 - ii. Concerns – spills or leachate generated from waste collection and storage; numerous chemical constituents



23. Rubber or Resin Production

- a. Includes production of rubber, resin cements, elastomers, or plastic, which involves the use, storage or disposal of hazardous materials.
 - i. Examples: rubber, resin, elastomer, or plastic manufacturer
 - ii. Concerns – raw material storage, process hazardous waste generation, machine shops; waste oils, solvents, phenols, strong organic and inorganic wastes



24. Storage of De-icing Chemicals

- a. Includes all storage of de-icing chemicals unless storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing on-site parking areas or access roads to parking areas.
 - i. Examples: salt storage facility, fleet state or municipal garage
 - ii. Concerns – stockpiling of road salt for de-icing of roads and parking areas; sodium chloride, de-caking agents

25. Solid Waste Facility

- a. Includes accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste, which is subject to a DEEP Permit, except a potable water treatment sludge disposal area.
 - i. Examples: solid waste facilities, landfill, transfer station, composting facilities, processing centers

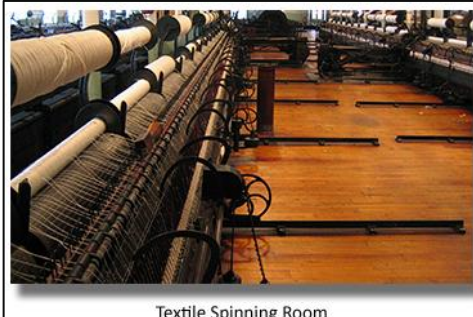
- ii. Concerns – spills, leaks, and leachate from storage, processing, and disposal of wastes; various potential organic and inorganic contaminants

26. Textile Production

- a. Includes dyeing, coating, or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials.
 - i. Examples: textile manufacturer, tannery
 - ii. Concerns – storage and use of hazardous materials, equipment cleaning, and hazardous wastes; strong acids and alkalis, dyes, solvents, metals and hydrocarbons



Tannery



Textile Spinning Room

27. Reconstituted Wood Production

- a. Includes production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material.
 - i. Examples: reconstituted wood manufacturing, wood treatment
 - ii. Concerns – chemical treatment of wood, chemical storage; creosotes, tars, trichlorophenol, pentachlorophenol, metals, solvents, oils



Untreated Wood (top), Treated Wood (bottom)

28. Pulp Production

- a. Includes pulp production processes that involve bleaching.
 - i. Examples: pulp, paper, cardboard manufacturer
 - ii. Concerns – storage and use of hazardous and nonhazardous materials, large quantities of waste generation; toxic organic and inorganic chemicals, metals, chlorinated hydrocarbons



Pulp Production Machines

Staff Use-Inventory System

Every Town in the Aquifer Protection Program has to have an organized record-keeping system of each application and facility. This ensures the Town is in compliance and the Facilities conducting the Regulated Activities are in compliance and valid.

A new excel spreadsheet was created called, "Aquifer Protection Management Sheet Town of Enfield" and is located in the 21_Aquifer Protection Agency File in the K Drive. This spreadsheet is organized in a specific manner and has to be continuously updated as facilities change over time including the registration status.

The colored ones are the columns DEEP wants to see, but better organized, so I usually have another spreadsheet with just the DEEP information. (These can be updated and forward to Kim Czapla)

Staff Use-Columns of information needed for each application

- Notes of current registration status (For staff use to determine next action)
- Registration Type (New registration, re-registration, Transfer)
- Registration Date
- Expiration Date
- Last Site Inspection (LSI)
- Site Inspection Needed?
- Violations
- Owner
- Applicant/Representative
- Facility Name
- Facility Address
- Zone
- M/L
- Project Name
- Facility Type (Activity type?)
- Hazardous Materials?
- Aquifer Name (Aquifers the facility is on top of)
- ARA Number (Aquifer Registration Application Number EX: XARA#21-07 or ARA#010)
- AR Number (Aquifer Registration number EX: AR#2021-2-26)
- Amount Owed
- Amount Received
- Date Received
- Contact Number

- Email
- APA DOR (The DOR is the date of receipt of the next meeting or 35 days after-whichever comes first) (The Agency has 180 days to act on a received application)
- APA Meeting Date (Date of the meeting-was the meeting continued?)
- Meeting Approval (Date the R was approved)

Aquifer Protection Area Permits

An Aquifer Protection Area **Registration** allows the facility to continue to conduct a regulated activity on the property at a site that is within the Aquifer Protection Area. If one of these "grandfathered" businesses wants to add or change their regulated activity, they must apply for an Aquifer Protection Area **Permit**.

Businesses that currently hold an Aquifer Protection Area Registration and are *seeking to change or add a regulated activity must apply for an Aquifer Protection Area Permit*. Permits are also required for additions or changes.

A permit can only be obtained for a registered facility.

If a facility is not registered, it is not eligible for a permit.

Example: A gas station has an Aquifer Protection Area Registration and is registered for conducting oil and petroleum dispensing and they want to add a service bay to do automotive repairs. The registered gas station will need an Aquifer Protection Area Permit to add the additional regulated activity of automotive repair.

A permit must be obtained from the Agency or Connecticut DEEP, as appropriate, before a business begins any new regulated activity. Issuing Aquifer Protection Area Permits requires the Agency to follow certain administrative actions and timeframes that are set in the regulations.

If an Agency has received an Aquifer Protection Area Permit application, it is recommended contacting Connecticut DEEP's Aquifer Protection Area Program for assistance to ensure that all administrative tasks are completely understood. (860) 424-3020.

Important information regarding processing Aquifer Protection Area Permits:

- Agency must review and take action (vote and make a decision) on permit applications within sixty-five (65) days of the date of receipt of an application or after completion of a public hearing (if one is held);

- Agency must notify the applicant of the decision by certified mail, return receipt requested, within fifteen (15) days of the decision;
- Agency must ensure that the application is complete and the applicant has demonstrated to the Agency's satisfaction that certain standards, including Best Management Practices (BMPs), and criteria are met; and
- A permit expires ten (10) years from the date of issuance and may be renewed, modified or transferred.

Aquifer Protection Area Registration Transfers Permits

If the owner or operator of a registered site changes, the new owner or operator may apply to transfer the permit for the facility.

The application for transfer must be on the prescribed form and be submitted to the Municipal Aquifer Protection Agency or Connecticut DEEP, as appropriate.

The Municipal Aquifer Protection Area Registration and Permit may be transferred at the same time and approved by the Municipal Aquifer Protection Agency.

Enforcement

The Aquifer Protection Agency's enforcement authority comes from the Connecticut General Statutes (CGS) Section [22a-354\(p\)\(d\)](#), which establishes procedures for suspending or revoking permits, and CGS Section [22a-354s](#) which establishes procedures for issuing orders and obtaining injunctive relief from a court of law.

The Agency's Aquifer Protection Area Regulations serve to implement the statutes and address the procedures to be followed when pursuing a violation or investigating a potential violation. The Agency should designate an individual or individuals as the duly authorized agent for enforcement purposes. Typically, the municipal zoning enforcement officer is designated, as they often have the experience necessary.

Types of Violations

An enforcement action may be warranted when someone commits, takes part in, or assists in violations of the Municipal Aquifer Protection Area Regulations, including the following:

- Conducts or maintains any regulated activity without a registration or permit for that activity

- Fails to comply with the terms, conditions or limitations placed on a registration or a permit
- Exceeds the scope of regulated activities described in the registration or permit
- Fails to comply with the Best Management Practices (BMPs) or procedures described in the registration or permit
- Violates an aquifer protection order issued pursuant to Connecticut General Statutes (CGS) Section [22a-354s](#)

Example of Violation: Tree Service, Inc. conducts business at their facility which is located in an Aquifer Protection Area. Tree Service, Inc. was found storing and mixing pesticides without an Aquifer Protection Area Registration.

Conducting a regulated activity without a registration is a violation of the Aquifer Protection Area Regulations.

The facility owner and operator had submitted and signed the "Determination of Regulatory Status Form" attesting that no regulated activities were occurring at the facility.

The municipality began to investigate the violation and then proceeded with progressive enforcement.

Investigation and Collection of Evidence

The Agency has the burden to prove that a violation has occurred or is occurring. Often, the Agency may need to investigate and document facts in order to adequately define the scope of a violation.

Once the Agency obtains sufficient documentation to confirm that a violation exists, it may request the violator to provide further information such as surveys of existing and prior conditions, and analyses by qualified consultants of the scope and impacts of the violation.

Aquifer Protection Agency Files

The first step in investigating a potential violation is to search the Agency's files to determine if a registration or a permit or other form of approval was issued, to whom it was issued, and to determine the terms, conditions or limitations placed on the registration or permit.

Other town files, such as those of the tax assessor's office and those of the Town Clerk's office, can assist in determining the ownership of the property. The Aquifer Protection Area Inventory should be reviewed for sites that were identified as potentially regulated facilities.

There are a variety of tools, including maps, aerial photographs, site plans, site inspections, site photographs and reports, and personal knowledge, that an Agency can use to develop evidence that a violation exists.

Maps

Maps may be used to determine the location and scope of the violation, and to determine the potential for environmental harm.

These maps include, but are not limited to, the official zoning (or inland wetlands) map with the delineated Aquifer Protection Area boundary, online map applications with satellite images of the area (like Google and Bing), topographic maps, the town assessor's map, and water company maps.

Aerial Photographs

Aerial photographs taken before and after site inspection can be very useful in determining the scope of the violation and in determining the seriousness of the environmental harm or potential for environmental harm.

Aerial photographs, however, are a specialized resource. The use of photographs or GIS layers of flyovers of the state in a legal proceeding requires expert testimony in order for a decision maker to draw conclusions about what is depicted, and where, as well as conclusions about the size and scale of what is depicted.

The Agency may have file photographs in a registration, a permit application, permit or previous violation file. Many municipal planning departments or tax assessor's offices have aerial photography or GIS layers of the municipality on file.

Site Plans

Site plans submitted for registrations or permits show Aquifer Protection Area boundaries and property boundaries that may be useful in an enforcement action.

Applications and site plans submitted by previous applicants for a particular property may be very useful as well. These items may exist in the files of the Agency, land use or building department or town clerk, and may include

approved site plans, zoning special permits, building permits, or subdivision plans and maps.

Site Inspections

The Agency should contact the landowner, permittee, or his or her agent to request permission to inspect the property and to explain the problem and the reasons for the inspection.

It is important to remember that there are legal limitations on entry to property. Without permission from the landowner, a municipal official does not have authority to conduct an inspection on the landowner's property.

Note, however, that the Aquifer Protection Area Registrations and Permits have standard language which gives permission to the Agency or its duly authorized agent to make regular inspections of the facility and associated property, except a private residence, at reasonable hours.

If unable to obtain access, it may be possible to view the site from an adjacent road or property. If the owner of the adjacent property cooperates and grants permission to be on his/her land, such a remote viewing may be acceptable for gathering necessary information to document a violation.

Site Inspection Notes

When making site inspections, its important to keep a notebook for future reference. Site notes should be recorded at the time of inspection and should include:

- The time and date of the inspection
- The location of the violation
- The reasons for the inspection
- Who was met at the site
- Summary of conversations at the site
- What was seen (description of site conditions, problems, size of violation, an assessment of observed or potential impacts, etc.); specific vantage points of photographs taken
- Weather conditions- present and past several days
- Names and phone numbers of any contractors working on the site
- A record of the number of photographs taken, the locations and compass direction in which they were taken, and a short description of what they depict
- A diagram or drawing showing approximate location of areas of interest and/or problem areas (including reference points,

distances, area estimates, and specific vantage points of photographs taken)

Site Photographs



Photographs are an important component of site inspections. Most photographs are taken using digital cameras. As soon as possible after the site inspection, the following essential information should be recorded for each photograph in the site inspection report:

- the time and date when the photograph was taken
- the town name and street location
- the property owner's or the violator's name
- Aquifer Protection Agency's file reference
- what the photograph shows (notes should be taken in notebook and referred to in order to ensure proper descriptions and information)
- who took the photograph and recorded the information

The notes and photographs taken during the site inspections may be compiled into a report. A sample Aquifer Protection Inspection Report is available on [DEEP's website](#) in the Conducting Site Inspections area.

Personal Knowledge

An Agency may accept personal knowledge to help determine if a violation exists. Such information may be provided through sworn testimony at the Show

Cause Hearing for an order, even if it is the personal knowledge of an Agency member.

A Show Cause Hearing is an enforcement proceeding wherein one party seeks relief from another by presenting facts for or against a Show Cause Order. Show Cause Order is a type of enforcement order that requires one or more parties to a case to justify, explain, or prove something to the court.

Expert Knowledge

An Agency may need to obtain an expert to assist in proving a violation has occurred.

The expert may be an individual within the Agency, such as the Town Engineer, or an Aquifer Protection Agent (who is a certified professional that has expert knowledge pertaining to the violation), water company agent or someone contracted specifically for his expert assessment of a set of facts and circumstances central to the enforcement case.

State Agencies, Water Companies

When pursuing a violation, it is appropriate for the Agency to communicate its findings with other regulatory agencies (municipal commissions and local officials, the Connecticut Department of Energy and Environmental Protection, the Connecticut Department of Public Health) and the affected water company.

State agencies and water companies may have concurrent jurisdiction in the Aquifer Protection Area.

Record Keeping

To keep track of enforcement proceedings, an Agency should establish a record keeping system that is easy to understand and maintain. The system should allow both active and closed files to be stored and retrieved easily. Since violations are specific to location, it might be helpful to use the same file system as that is used by the municipality's tax collector.

In addition to a file system, each Agency should set up a procedure to monitor current violations. A logbook, a calendar, or a computer database are suitable tools for the monitoring procedure. It is not sufficient to rely on staff memory to ensure follow-through on violations. All enforcement proceedings information should be documented.

It is important to set timetables that carry through to final resolution of a violation. To ensure success, an enforcement action must be based on a properly developed and technically adequate documentary record.

Enforcement

When pursuing a violation, there are several options that the Agency can follow.

They range in increasing progressive degrees of formality, from a phone call, to a warning letter, to court action. The Agency should tailor its enforcement approach to the magnitude of the violation.

It is important to note that a person may seek a registration or permit for a regulated activity that is under an enforcement action. The violator/applicant has the right to apply for a registration or permit.

Enforcement Approaches

There are **six progressive enforcement approaches** that may be taken, in order of increasing severity.

1. Telephone call or personal contact by the duly authorized agent
2. The Warning Letter (The warning letter is an informal enforcement action. It informs the alleged violator of the potential violation taking place and provides an opportunity to address the issue before further action is taken.)
3. Issuance of a Notice of Violation (NOV)
 - The **NOV** informs the violator that he or she is maintaining a condition that, unless addressed, may be treated formally by the Agency as a violation of the Aquifer Protection Area Act, the Agency's regulations, or a registration or permit issued by the Agency.
 - An NOV is not an administrative order; it is an informal enforcement action, like the warning letter.
 - The NOV provides the alleged violator with direction regarding how to come into compliance, and may further direct the alleged violator to certify correction of the alleged violation within a reasonable period of time. The issuance of an NOV requires follow-up by the Agency in order to be a meaningful enforcement action.

4. Revoke or Suspend an Aquifer Protection Area Registration or Permit (Connecticut General Statutes (CGS) Section 22a-354p(d)).
 - An **Agency may revoke or suspend a registration or permit** if the registrant/permittee has not complied with registration or permit conditions or limitations or has exceeded the scope of the work described in the registration/application as permitted by the Agency.
 - The Agency is required to provide written notice to the registrant/permittee of the facts or conduct that warrant suspension or revocation. The Agency is also required to conduct a hearing at which the registrant/permittee is given an opportunity to show compliance with the requirements for retention of the registration or permit.
 - The Agency must notify the registrant/permittee of its decision by certified mail, return receipt requested, within fifteen (15) days of the decision. In addition, the Agency must publish its decision in the local newspaper, and the decision is subject to appeal under CGS Section 22a-354(q)

5. Cease and Desist Order/Cease and Correct Order (Connecticut General Statutes (CGS) Section 22a-354s)
 - A **Cease and Desist Order, or Cease and Correct Order**, is one of the Agency's strongest tools short of court action. An order must be written and is effective upon service to the alleged violator.
 - The Agency must send a copy of the order to any affected water company. The order should be issued in the case of a major or significant violation, even if the alleged violator intends to correct the violation.
 - A Cease and Correct Order may either order the activity that is in violation of the Agency's regulations to cease immediately, or the order may contain a description of a required remedial or corrective action that the Agency wants the alleged violator to undertake.
 - The Agency is required to conduct a hearing within ten (10) days of issuing the order, and, within ten (10) days of completing the hearing, the Agency must notify the alleged violator of its decision. The decision may be to affirm, modify or dissolve the order. The details of the procedure involved with the issuance of a Cease and

Desist or Cease and Correct Order must be carefully attended to by the Agency. As a practical matter, it may be important to clearly state and set timetables in the order that carry through to final resolution of a violation

6. Court Actions

- An Aquifer Protection Agency should consider, after due consultation with the town attorney, taking court action if administrative approaches fail to resolve a violation. The town may be able to recoup fees and expenses, in addition to injunctive relief awarded by the court ordering correction or removal of the violation.

Court actions may take the following paths:

1. court proceeding to enforce Cease and Desist Order or Cease and Correct Order (Connecticut General Statutes (CGS) Section 22a-354s(a)) – the court may order injunctive relief and penalties, and the court may award attorney's fees;
2. court proceeding to stop illegal activity and/or correct a condition or facility without the Agency's first issuing a Cease and Desist order or Cease and Correct order (CGS Section 22a-354s(b)) – impact of a violation is so severe that the Agency determines that an order is not sufficient. A court may order injunctive relief and penalties, and the court may also award attorney's fees; or
3. criminal enforcement action (CGS Section 22a-354s(c)) – requires willful and knowing violation. (Such actions are not initiated by the Agency; they require consultation with the town's attorney and formal action by the Office of the State's Attorney after referral.)

Aquifer Complaints

Complaints of facilities should go directly on the agenda. The Agency must investigate all complaints. The violation process is phone call, warning letter, NOV, Cease and Desist Order. If these fail, court action is next and the Agency should consult with the Town Attorney

State and Local Programs

POCD - Aquifer Protection Areas should be taken into consideration when updating your local Plan of Conservation and Development. The areas should be discussed in the appropriate element of the plan and considered for

conservation or for low-risk types of development on the proposed land use plan. Of particular concern would be existing Plans of Conservation and Development that have identified major proposed industrial parks or commercial centers in these areas.

Municipal Improvement Projects

Aquifer Protection Areas should also be considered in making any major municipal improvement decisions, such as sanitary sewer extensions, water line extensions, gas line extensions, highway construction, storm water improvements, municipal facilities construction, and acquisition or conservation of open space or other land.

Land Acquisition

Connecticut General Statutes (CGS) Section [22a-354r](#) states that in order to carry out the purposes of the Aquifer Protection Area Regulations, the municipality may at any time purchase land or an interest in land in [fee simple](#) or other acceptable title, or subject to acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.

Zoning in Aquifer Protection Areas

Zoning may provide protection beyond the mandated state aquifer protection land use regulations. Towns are allowed to broadly consider protection of existing and potential public supply aquifers under their zoning authority (CGS [Section 8-2](#)). Further guidance for additional protection measures and protection of future potential Aquifer Protection Areas is provided in DEEP's document "[Protecting Connecticut's Groundwater – A Guide for Local Officials](#)."

Zone Changes

When considering changes to local zoning in Aquifer Protection Areas, the following is recommended:

- Maintain existing low-impact zoning such as residential or light retail commercial designations where possible.
- Where areas of heavy industrial or commercial business growth have been designated for Aquifer Protection Areas on the town's plan of conservation and development, but not yet zoned or developed, the town may want to re-examine the plan of conservation and development designation. Re-examination should consider, from an overall town standpoint, whether intensive growth areas should now be relocated, and

should consider the impact that the state Aquifer Protection Area Regulations will have by restricting certain types of growth originally intended.

- Consideration may be given to Aquifer Protection Areas if the town is considering overall zoning revisions in town or an individual parcel rezoning. Where these areas are still primarily undeveloped and significant nonconformities will not be created, low-impact uses should be encouraged.

State Connections to the Aquifer Protection Area Program

The Connecticut Department of Energy and Environmental Protection's (DEEP) primary responsibility is "to conserve, improve and protect its natural resources and environment, and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the State."

In doing so, the Department regulates activities that may impact the state's natural resources and environments through the administration of its environmental permitting programs.

State and Local Program Connections for a Municipal Aquifer Protection Agency

Connecticut DEEP programs that may be contacted with questions or to report an issue with the Municipal Aquifer Protection Area Program include:

- Aquifer Protection Area
- Waste Water Discharge Permit
- Remediation
- Hazardous Waste Program
- Hazardous Waste Compliance Assistance
- Pollution Prevention
- Pesticide

The [State and Local Program Connections for a Municipal Aquifer Protection Agency](#) (PDF) document provides a complete list of these resources, their duties and their contact information. **You are encouraged to download and save the document for future reference.**

UPDATED LEGISLATION as of 10/28/2021

Legislation Hierarchy

1. *CT State Statutes*
2. *CT State Regulations for Agencies (CSRA)*
3. *Local Regulations*

Legislation Order for reviewing laws/violations/applications

1. *Local Regulations*
2. *CT State Regulations for Agencies (CSRA)*
3. *CT State Statutes*

The 2021 Aquifer Protection Agency Commission and Things to Know

A quorum is 4 members. The Aquifer Agent for the Commission must have their DEEP APA Technical Training Certificate. [CT Statutes-Sec. 22a-345v](#)

Without an agent or failure to get the program in compliance can result in the DEEP Commissioner revoking the authority of the Town's APA agency and any applicant's fees and application fees will be paid by the Town. [CT Statutes Sec.22a-354t](#)

The agency may receive and act on applications at the same meeting. The Agency also has 65 days in absence of a public hearing to review and take action. At any time during the review period (until an action is made), the agency may require the applicant to provide additional information. [CSRA Sec. 22a-345i-7-4\(d\)l](#), [Local Regulations](#)

The commission shall exclusively regulate activities that are within the Aquifer Protection Area Boundary. The commission also regulated land use activity within the Aquifer boundaries, administers and enforces the regulations, and delineate the aquifer protection boundaries-which was already done by the Water Companies when the program first came into Enfield. [CT Statutes Sec. 22a-354p](#)

Level A Mapping was completed in 2012 for Enfield by the Water Companies. [CT Statutes Sec. 22a-354o](#)

Any person that is conducting a regulated activity within the authority of the commission shall submit a registration or obtain a permit from the Commission prior to engaging in such activity. The commission shall process those applications for those regulated activities. [CT Statutes Sec. 22a-354p\(c\)](#)

A completed application is required prior to an APA Registration Certificate. This includes a completed signed application by the owner and tenant of the property, a Best Management Plan, Materials Management Plan, Facility Boundary Maps, Site Inspection(s), and Site inspection photos and a processing fee. Registrations are good for 5 years; permits are good for 10 years. [CSRA Sec. 22a-354i-7-2\(c\)](#) (Max Fee per fine per day is \$5k) [CT Statutes Sec. 22a-354p\(c\)\(e\)](#)

The Agency may request an Environmental Compliance Form to ensure the applicants record of compliance with the Environmental laws of Connecticut. These are required for Permits. The Environmental Compliance Form may be considered by the Agency when reviewing an application. [This is verified at the local level and then reviewed at the state level. If an environmental violation is found, the registration may still be issued but with conditions to finish remediation and the State can investigate the site for compliance.](#)

A **valid** aquifer protection registration is a blue certificate with the correct date of expiration and has the regulated activity letter and definition on the certificate itself. [CSRA Sec. 22a-354i-7\(3\)](#)

A Site Inspection can be conducted to ensure site compliance from either the Agency or Water Company, especially if a facility is on top of a water company owned well-head. Site Inspections must be coordinated with the Site Owner(s). [Page 133 in CT APA Program Book/Dept. of Public Health Water Law/CSRA Sec. 19-13-B102b/ CT Statutes Sec. 25051-authorizes water companies to enter and inspect premises located within public drinking water supply areas, but have to have permission from owner. If denied permission, the water companies can use drones to fly over the properties. \(All ground water and air are CT Public Trust and supported by federal and state laws. An example would be air pollution laws which are regulated for the general public\).](#)

The agency may request additional information on an application if necessary. [CSRA Sec. 22a-354i-7, Local Regulations, and CT Statutes](#)

An aquifer permit is required when facilities (that already have an aquifer registration) wish to change a regulated use. [DEEP APA Training Course/APA Guidebook/ Local Regulations Sec. 8a\(2\)](#)

When approving a registration, the commission has 180 days to send written notification of the registration to the registrant. [Local Regulations Sec. 8h](#)

If the Agency determines that an application 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. [CSRA Sec. 22a-354p\(d\)](#)

If a facility that is grandfathered, does not conduct any regulated activities, and wishes to **not renew** their registration, the property will lose its grandfathered status and the 28 regulated activities will never be allowed to be conducted at that site again. If a facility chooses to keep their registration, this keeps the property grandfathered into the program. If the facility chooses to add a regulated activity, then they must apply for the aquifer protection permit. [Local Regulations Sec. 8/Page 3](#) has to indicate the grandfathered activity and if the activity is not being conducted, a note must be added to page 3 saying this activity is not conducted on site. If in the future they choose to add an activity, they will apply for the Aquifer Protection Area Permit and the permit will be valid for ten years. This also includes a change of activity. All Permit applications *require public hearings, registrations do not require public hearings.*

It should be **mentioned to every applicant** that when they choose to sell their property, the registration stays with the land, but the applicant must apply for a transfer of Aquifer Protection Registration to transfer to a new ownership/tenant. [Staff/DEEP/Local Regulations Sec. 8h](#)

If a parcel that is grandfathered and decides to merge with another parcel that is not grandfathered, the entire parcel then becomes grandfathered in under the Aquifer Protection Area Program. [This situation has to meet the definition of “facility” and the definition of “Regulated Activity”](#) which if both are met, and a registration is present and valid, this allows it to be continued or extended to any contiguous property. This includes merged parcels where one parcel contains the grandfathered status and the other parcel does not. If these conditions are met, then the entire parcel is eligible to become grandfathered in.

The Agency can decide to hold a public hearing regarding an application for a permit to conduct any regulated activity. Such hearings shall commence no later than 65 days after receipt. Hearings must be completed within 35 days of hearing commencement. Applicants may consent to an extension provided that the total extensions of such periods total 65 days or less. [CSRA Sec.22a-354p\(c\)](#)

Notice of public hearings will be published twice, first not more than 15 days and the second not less than 2 days. The Agency shall send any affected water company a notice 10 days before the hearing by certified mail. [Local Regulations/State Regulations](#)

Any affected water company may be at the meeting and heard at any hearing. [CSRA and State Statute Sec.22a-354p\(d\)](#)

All applications and materials are open for public inspection. [Local Regulations-our normal protocols for all applications coming before a commission](#)

Appeals of the Agency's regulation, order, decision, or action shall be made in accordance with [Section 22a-354q](#) of the Connecticut General Statutes.

Things to watch out for on Sites-Site Inspection photos are very important

All site inspection photos are sent to DEEP's Aquifer Department for comments on site compliance. This ensures less Staff error and that the APA Program is being implemented correctly. This also advises staff and the Agency the next proper steps to be taken by the Applicant in order to receive their registration or permit. [Demonstrating to DEEP to bring Enfield into Compliance and to keep our authority. Without this step, state can assume we are not bringing Enfield back into compliance and has the full authority to revoke the Enfield APA Agency's power and thus fining Enfield and furthermore requiring all payments of registration applications to be paid for by the Town. Authority can be reinstated in town appeals and demonstrates proper effort for compliance.](#)

Applicant's sites should be maintained properly to ensure compliance with the Aquifer Protection Area Program. This includes proper labeling of materials and proper storage/handling of materials. [Hazardous Waste Regulations and Compliance Assurance with the Materials Management Plan](#)

There should be **no** floor drains within the building(s), unless granted by a state permit. An example of facilities like this are car washes within the aquifer boundary. Having the waste-water discharge permit from DEEP ensures their floor drains were installed legally, correctly, that there's an oil/water separator, and is a proper connection to public sewer. Unpermitted floor drains are **illegal** and are a Cease-and-Desist Order from DEEP and a State Fine of \$1000/day. Unpermitted floor drains must be sealed immediately prior to any registration or state permit. Metal caps or cement caps are typically used to seal floor drains. [Sec.22a-354s\(b\)\(c\)-Fee and Sec. 22a-354i-5-4\(D\)](#)

It is also important to **note** that street vehicle regulation is a different state department and not a part of the Aquifer Protection Area Program as they are permitted and regulated by a different permit process. It is also important to **note** that the Aquifer Protection regulations are not zoning regulation and have its own type of enforcement procedures. [Verified by DEEP. Can be found on APA UCONN Training Course.](#)

Any barrels outside the buildings, must be stored inside the facility or have a secondary confinement to protect from leaks or spills. All barrels must be labeled properly and if a third-party company is engaged in the removal, emptying,

storing, or refilling of barrels then their information must be given in the application. [Local Regulations Sec. 12-a-1A,B,C,D,E,F,G,H](#). The MMP can also be an optional request by the Agency, similar to the Stormwater Management Plan request, however every facility should have some type of Materials Management Plan for materials on site. Correct and Accurate labels for barrels come from the [Compass Hotline for Hazardous Waste Compliance Assistance Program](#) and they offer free consulting (888) 424-4193.

No work is allowed to be conducted outside of the facility building. All work must be done inside the facility. [CSRA Sec. 22a-354i-5-4\(a\)\(b\)](#)/[Local Regulations Sec.12a-C/Violation of Stormwater Law](#). Options for businesses that have small facilities are to protect metal during rain events by covering metal with rain protectant tarp or by paving lots in which case the Agency can require an applicant to pave a lot if work is being conducted outside a facility, or the Agency can require an applicant to have a roof structure over the additional area for work. The town will not pay for these and this is due to the fact that these businesses are in a sensitive area due to the aquifer(s). If applicant refuses to comply with Stormwater Laws then DEEP will come onto the property and conduct water and soil testing around the site and if a violation is found, fines will be up to \$1000/day. DEEP involves all state departments, including the attorney general office.

Dumpsters **must be** on top concrete or a slab that can serve as a secondary confinement measure to protect from leaks. [Best Management Practice Rule: BMP for Location and Maintenance of Dumpsters Relative to Public Water Supply Wells](#). (See sheet in Legislative Binder)

Vehicles of any kind are **not allowed** to be parked on grass or gravel and must be parked on top of paved surfaces. [This applies to many vehicles being parked on a lot and if these vehicles are being maintenance and what type of vehicle as commercial vehicles can leak more petroleum products into the ground. This could also be a condition of approval for Aquifer Registrations. This rule particularly relates for Junkyards who have to have paved lots on top of Aquifer areas.](#)

Every facility must have a Materials Management Plan by their facilities phone and a Best Management Practice plan. [Local Regulations, CSRA, and State Statute and MMP Compliance](#)

Any types of waste transfer facilities should have all hazardous materials properly stored on site and coolant type systems of any kind should have a secondary confinement system in place. [Best Management Practice Rule](#)

All lawnmowers, weedwhackers, and snowblowers must be stored inside the facility buildings as well. These are not allowed to be stored outside the building. This rule relates for circumstances. Facilities with fabrication or flame processes do not have to have them stored inside, however all maintenance of these must be done inside a facility. Maintenance cannot be conducted outside. However, it is a Best Management Practice to keep these machines inside.

Any covers for underground storage tanks must be replaced if they are broken. Underground Storage Tank Regulation (UST Regulations)

Metal Racks should be stored in areas to be protected from rainwater events and should not be stored on site in grassy areas: This is an MMP and Stormwater Violation as well as an industrial/commercial stormwater violation. The exact law will be verified by Karen Allen, director of CT DEEP Stormwater Management Department. This also violates Local regulations Sec. 12A.