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# City of Bristol

## Aquifer Protection Area Regulations

### SECTION I – TITLE AND AUTHORITY

- 1.01 Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipalities, and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these Regulations to protect aquifer protection areas within the City of Bristol by making provisions for:
- (1) implementing regulations consistent with state regulations and “An Act Concerning Aquifer Protection Areas,” Connecticut General Statutes §22a-354a to §22a-354bb (“the Act”);
  - (2) delineating aquifer protection areas on the city’s Zoning Map;
  - (3) regulating certain land use activities within the aquifer protection area including: prohibiting certain new regulated activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
  - (4) administering and enforcing these Regulations.
- 1.02 These Regulations shall be known as the Aquifer Protection Area Regulations of the City of Bristol.
- 1.03 These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of “An Act Concerning Aquifer Protection Areas,” the Connecticut General Statutes §22a-354a to §22a-354bb, and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- 1.04 The Zoning Commission of the City of Bristol is established as the Aquifer Protection Agency in accordance with the city’s “Ordinance for the Establishment of an Aquifer Protection Agency” (the APA Ordinance), adopted May 11, 2004, and shall implement the purposes and provisions of the APA Ordinance and the Act.
- 1.05 The Agency shall administer all provisions of the Act and shall: approve or deny registrations; issue permits; issue permits with terms, conditions, limitations, or modifications; or deny permits for regulated activities in aquifer protection areas in the City of Bristol pursuant to the Act.

### SECTION 2 - DEFINITIONS

- 2.01 As used in these Regulations, the following definitions shall apply:

*Affected water company:* “affected water company” as defined in §22a-354h of the Connecticut General Statutes.

*Agency:* the Aquifer Protection Agency of the City of Bristol.

*Agriculture:* “agriculture” as defined in §1-1(q) of the Connecticut General Statutes.

*Applicant:* as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies, or a permit under Section 9 of these Regulations.

*Application:* as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations

of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies, or an application for a permit Section 9 of these Regulations.

*Aquifer protection area*: “aquifer protection area” as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies.

*Area of contribution*: “area of contribution” as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies.

*Bulk storage facility*: 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.

*Certified Hazardous Materials Manager*: a hazardous materials manager who is certified by the Institute of Hazardous Materials Management and is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities.

*Commissioner*: the Commissioner of Energy and Environmental Protection of the State of Connecticut, or his or her agent.

*Domestic sewage*: “domestic sewage” as defined in §22a-430-3(a) of the Regulations of Connecticut State Agencies.

*Facility*: 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 including contiguous land owned, leased, or for which there is an option to purchase by that person.

*Floor drain*: any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon.

*Hazardous material*: (1) 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; (2) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies; (3) any pesticide as defined in §22a-47 of the Connecticut General Statutes; or (4) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes.

*Hazardous waste*: “hazardous waste” as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies.

*Industrial laundry*: a facility for washing clothes, cloth, or other fabric used in industrial operations.

*Infiltration device*: any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground.

*ISO 14001 environmental management system certification*: a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB).

*Level A mapping*: the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d, or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas.

*Lubricating oil*: oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping, or quenching metals.

*Municipality*: “municipality” as defined in §22a-354h of the Connecticut General Statutes.

*Owner*: the owner or lessee of the facility in question.

*De-icing chemical*: sodium chloride, calcium chloride, or calcium magnesium acetate.

*Person*: any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind.

*Pollution*: “pollution” as defined in §22a-423 of the Connecticut General Statutes.

*Pollution prevention*: 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.

*Professional engineer*: a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes 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.

*Publicly owned treatment works*: “publicly owned treatment works” as defined in §22a-430-3 of the Regulations of Connecticut State Agencies.

*Public service company*: “public service company” as defined in §16-1 of the Connecticut General Statutes.

*Public supply well*: “public supply well” as defined in §19-13-B51b of the Regulations of Connecticut State Agencies.

*Recharge area*: “recharge area” as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies.

*Registered regulated activity*: a regulated activity that has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of these Regulations and is conducted at the facility identified in such registration.

*Registrant*: a person who (or which) has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of these Regulations.

*Regulated activity*: any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of these Regulations:

- (1) underground storage or transmission of (a) oil or petroleum, to the extent such activity is not pre-empted by federal law, or (b) hazardous material, except for (i) an underground storage tank that contains #2 fuel oil and is located more than 500 feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes that are owned and operated by a public service company;
- (2) oil or petroleum dispensing for the purpose of retail, wholesale, or fleet use;
- (3) on-site storage of hazardous materials for the purpose of wholesale sale;
- (4) repair or maintenance of vehicles or internal combustion engines of vehicles involving the use, storage, or disposal of hazardous material, including solvents, lubricants, paints, brake fluids, transmission fluids, or the generation of hazardous waste;
- (5) salvage operations of metal or vehicle parts;
- (6) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges

from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (a) a pump-and-treat system for ground water remediation, (b) a potable water treatment system, (c) a heat pump system, (d) a non-contact cooling water system, (e) swimming pools;

- (7) car or truck washing, unless all waste water from such activity is lawfully disposed of through a connection to a publicly owned treatment works;
- (8) production or refining of chemicals, including without limitation hazardous materials or asphalt;
- (9) clothes or cloth cleaning service that involves the use, storage, or disposal of hazardous material including without limitation dry-cleaning solvents;
- (10) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste water from such activity is lawfully disposed of through a connection to a publicly owned treatment works;
- (11) generation of electrical power by means of fossil fuels, except for (a) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (b) generation of electrical power by means of natural gas or propane;
- (12) 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;
- (13) embalming or crematory services that involve the use, storage, or disposal of hazardous material, unless all waste water from such activity is lawfully disposed of through a connection to a publicly owned treatment works;
- (14) furniture stripping operations that involve the use, storage, or disposal of hazardous material;
- (15) furniture finishing operations that involve the use, storage, or disposal of hazardous material, unless all waste water from such activity is lawfully disposed of through a connection to a publicly owned treatment works;
- (16) storage, treatment, or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies;
- (17) biological or chemical testing, analysis, or research that involves the use, storage, or disposal of hazardous material, unless all waste water from such activity is 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 shall not be considered a regulated activity;
- (18) pest control services that involve the storage, mixing, or loading of pesticides or other hazardous material;
- (19) photographic finishing that involves the use, storage, or disposal of hazardous material, unless all waste water from such activity is lawfully disposed of through a connection to a publicly owned treatment works;
- (20) production or fabrication of metal products that involves the use, storage, or disposal of hazardous material including (a) metal cleaning or degreasing with industrial solvents, (b) metal plating, or (c) metal etching;

- (21) printing, plate making, lithography, photoengraving, or gravure that involves the use, storage, or disposal of hazardous material;
- (22) accumulation or storage of waste oil, anti-freeze, or spent lead-acid batteries that are subject to a general permit issued under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes;
- (23) production of rubber, resin cements, elastomers, or plastic that involves the use, storage, or disposal of hazardous material;
- (24) storage of de-icing chemicals, unless such storage takes place within a weather-tight, water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas;
- (25) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer, or composting of solid waste that is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statutes, except for a potable water treatment sludge disposal area;
- (26) dyeing, coating, or printing of textiles, or tanning or finishing of leather that involves the use, storage, or disposal of hazardous material;
- (27) production of wood veneer, plywood, reconstituted wood, or pressure-treated wood that involves the use, storage or disposal of hazardous material; and
- (28) pulp production processes that involve bleaching.

*Release:* “release” as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies.

*State aquifer protection regulations:* §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies.

*Storage:* the holding or possession of any hazardous material.

*Storage tank:* a stationary device that is designed to store hazardous material and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass, or plastic.

*Topographic feature:* 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.

*Underground storage tank or underground storage tank component:* a tank or tank component ten percent or more of the volumetric capacity of which is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection.

*Vehicle or vehicles:* a “vessel” as defined in §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower, or snowmobile.

*Waters:* “waters” as defined in §22a-423 of the Connecticut General Statutes.

*Well field:* “well field” as defined in §22a-354h of the Connecticut General Statutes.

*Zoning Map:* the Official Zoning Map of the City of Bristol showing zoning districts prepared and adopted by the Bristol Zoning Commission in accordance with and pursuant to §8-3 of the Connecticut General Statutes.

### **SECTION 3 – DELINEATION OF AQUIFER PROTECTION AREA BOUNDARIES**

- 3.01 The Bristol Zoning Commission shall delineate the aquifer protection areas on the Zoning Map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
- (1) Such boundaries shall be delineated within 120 days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the City of Bristol.
  - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the City of Bristol. Such notice shall include at least the following:
    - a. a map or detailed description of the subject aquifer protection area, and
    - b. the name, telephone number, mailing address, and e-mail address of a representative of the Agency who may be contacted for further information.
- 3.02 In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary, or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection area bounded by the approved Level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
- (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
    - a. a map to scale delineating the aquifer protection area boundary mapped under Section 3.01 of these Regulations and the proposed extension of such boundary;
    - b. a certification by the Agency's chairperson or duly authorized agent that notice of such request has been provided to all property owners within the proposed extended aquifer protection area and to all affected water companies in accordance with the following:
      1. Such notice shall include at least the following:
        - (i) a map showing the existing aquifer protection area boundary and the proposed extension of such boundary,
        - (ii) the name, telephone number, mailing address, and e-mail address of a representative of the Agency who may be contacted for further information, and
        - (iii) a statement that, not later than 30 days after said notification, any person may submit to the Agency written comments about such proposed boundary extension.
      2. Such notification shall be effectuated by the following:
        - (i) delivery of notice by certified mail to those individuals and entities identified in Section 3.02(1)b. of these Regulations, or
        - (ii) the publication of a notice in a newspaper having substantial circulation in the City of Bristol and the posting of notice near the proposed boundary of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2').

c. a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.

(2) Not later than 60 days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated on the Zoning Map in accordance with Section 3.01 of these Regulations.

3.03 No person may challenge the boundaries of the aquifer protection area under these Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.

3.04 A map of the location and boundaries of the aquifer protection areas shall be available for inspection in the office of the Agency.

3.05 If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Sections 3.01 or 3.02 of these Regulations.

#### **SECTION 4 – PROHIBITED AND REGULATED ACTIVITIES**

4.01 All regulated activities shall be prohibited in aquifer protection areas, except as specified in Section 4.02 of these Regulations.

4.02 The following regulated activities shall not be prohibited in aquifer protection areas:

(1) A registered regulated activity that is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of these Regulations.

(2) A regulated activity that has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of these Regulations.

(3) A regulated activity that is on a municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is delineated on the Zoning Map, provided (a) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is delineated on the Zoning Map, and (b) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is delineated on the Zoning Map registers such activity on a form prescribed by the Commissioner and in accordance with §22a-354i-7 of the Regulations of Connecticut State Agencies.

4.03 The following shall be considered non-regulated activities:

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

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

(3) Any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes.

(4) Any activity that satisfies all of the following conditions:

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 of the building in which it takes place.

c. Any hazardous material used in connection with such activity is stored in the building at all times.

- d. All waste water generated by such activity is lawfully disposed through a connection to a publicly owned treatment works.
  - e. Such activity does not involve (a) the repair or maintenance of internal combustion engines, including without limitation, vehicles or equipment associated with such vehicles; (b) the underground storage of any hazardous material; or (c) the above-ground storage of more than 110 gallons of hazardous materials.
- (5) Any activity solely involving the use of lubricating oil that satisfies all of the following conditions:
- a. Such activity takes place solely within an enclosed building in an area with an impermeable floor.
  - b. Any hazardous material used in connection with such activity is stored in the building at all times.
  - c. Such activity does not involve the cleaning of metals with chlorinated solvents at the facility.
  - d. Such activity does not involve (a) the repair or maintenance of internal combustion engines, including without limitation, vehicles or equipment associated with such vehicles; (b) the underground storage of any hazardous material; or (c) the above-ground storage of more than 110 gallons of such lubricating oil and associated hazardous waste.
- (6) Any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of not more than 2,000 gallons that satisfies all of the following conditions:
- a. Such dispensing activity takes place solely on a paved surface that is covered by a roof.
  - b. The above-ground storage tank(s) is a double-walled tank with overfill alarms.
  - c. All associated piping is either above-ground or has secondary containment.

#### 4.04 Determination of a non-regulated activity

- (1) Any person proposing to conduct a non-regulated activity as set forth in Section 4.03 of these Regulations in an aquifer protection area shall, prior to commencement of such activity, so notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine if the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
- (2) If such activity is determined to be a non-regulated activity, then no further action under these Regulations shall be necessary.

### **SECTION 5 – ACTIVITIES REGULATED BY THE STATE**

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

## **SECTION 6 – APPLICATION FOR AN EXEMPTION FROM PROHIBITION OR REGULATION**

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

## **SECTION 7 – GENERAL REGISTRATION, PERMIT APPLICATION AND TRANSFER PROCEDURES**

- 7.01 All registrations and permit applications shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- 7.02 The day of receipt of a registration, permit application, or transfer form shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission of the registration, permit application, or transfer form to the Agency or its duly authorized agent, or 35 days after such submission, whichever is sooner.
- 7.03 At any time during the review period, the Agency may require the registrant or applicant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits set forth in Sections 8 and 9 of these Regulations.
- 7.04 All registrations and permit applications shall be open for public inspection.
- 7.05 Incomplete registrations and permit applications may be denied without prejudice.
- 7.06 No permit or registration issued under Sections 8 or 9 of these Regulations shall be assigned or transferred except with the prior written approval of the Agency.

## **SECTION 8 – REGISTRATION REQUIREMENTS**

- 8.01 Any person engaged in a regulated activity which substantially commenced or was in active operation within the past five years or, with respect to which a municipal building permit was issued, before the date the applicable aquifer protection area is delineated on the Zoning Map or, for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten-year period commencing on the date the applicable aquifer protection area is delineated on the Zoning Map shall register the activity in accordance with this Section unless such person has an application pending for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
  - (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
  - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than 180 days after the effective date of these Regulations or the designation of the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. For any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such activity shall submit a registration within the ten-year period commencing on the date the applicable aquifer protection area is delineated on the Zoning Map. Any person submitting a registration pursuant to the requirements of this section shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health, and the affected water company.

8.02 All registrations shall be submitted on a form prescribed by the Agency and shall be accompanied by the correct registration fee established by the Agency. Such registration forms may be obtained from the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:

- (1) the name, business telephone number, street address, mailing address, and e-mail address of:
  - a. the 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. the owner of such facility if different than the registrant; and
  - c. the manager or operator overseeing the operations of such facility.
- (2) the location of such facility identified by street address or other appropriate method of location, along with a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base.
- (3) identification of the regulated activity or activities conducted at the facility, as defined in Section 2.01 of these Regulations, which regulated activity or activities shall consist of any regulated activity that substantially commenced, was in active operation, or for which a municipal building permit was issued within the past five years.
- (4) the following certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12 of these Regulations, signed after satisfying the statements set forth therein:

“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, that the submitted information is true, accurate, and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

8.03 When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:

- (1) require, by written notice, any registrant to submit for review and written approval a stormwater management plan prepared in accordance with Section 12.02 of these Regulations. If so required, the stormwater management plan shall be implemented by the registrant immediately upon its approval; or
- (2) require, by written notice, any registrant to submit for review and written approval a materials management plan prepared in accordance with Section 13 of these Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.

8.04 If the Agency determines that a registration is incomplete, it shall notify the registrant of what additional information is required and the date by which it shall be submitted.

8.05 If the regulated activity is eligible for registration and the registration is determined to be complete, the Agency shall send written notification thereof to the registrant. If the registrant does not otherwise receive such notification or a notice of rejection from the Agency not later than 180 days after the date the registration is received by the Agency, such registration shall be deemed to be complete and the activity eligible for registration.

8.06 The following general provisions shall be included in the approval of all registrations:

- (1) The Agency has relied in whole or in part on information provided by the registrant, and if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the registration may be modified, suspended, or revoked.
- (2) All registrations approved by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
- (3) A complete registration shall expire five years from the date of receipt of such registration by the Agency.
- (4) The registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration.
- (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five-year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five years of the date the registration expires, the facility shall no longer be eligible for registration.

8.07 If a regulated activity which is eligible for registration in accordance with Section 8.01 of these Regulations fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or the Agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Section 8.06(5) of these Regulations.

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

## **SECTION 9 – PERMIT REQUIREMENTS**

9.01 Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity already occurs.

9.02 The Agency shall process permit applications for those registrants that have registered pursuant to Section 8 of these Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.

9.03 Action shall be taken on permit applications within 65 days after the completion of a public hearing or, in the absence of a public hearing, within 65 days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these time periods, provided that the total extension of all such periods does not exceed 65 days.

9.04 An application for a permit shall be submitted on a form prescribed by the Agency and shall be accompanied by the correct registration fee established by the Agency. Such permit application forms may be obtained from the Agency. Simultaneously with filing an application with the Agency, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health, and the affected water company. An application shall include the following information:

- (1) The information as required for a registration under Section 8.02 of these Regulations for the proposed regulated activity.
- (2) A confirmation and certification that the existing and proposed activities:
  - a. remain and shall remain in compliance with Section 12.01 of these Regulations;
  - b. shall not increase the number of underground storage tanks used for storage of hazardous materials;

and

c. remain and shall remain in compliance with all local, state, and federal environmental laws.

- (3) A materials management plan in accordance with Section 13 of these Regulations.
- (4) A storm water management plan in accordance with Section 12.02 of these Regulations.
- (5) The following environmental compliance information with respect to environmental violations that 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 \$5,000 imposed in any administrative proceeding; and
  - c. any judicial or administrative orders issued regarding any such violation, together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment, or order.
- (6) Any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards.
- (7) The following certification by both the applicant and the individual responsible for preparing the application, signed after satisfying the statements set forth therein:

“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, that the submitted information is true, accurate, and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

- 9.05 Not later than 30 days after receiving a copy of an application for a permit, the Commissioner, any affected water company, or the Commissioner of Public Health may submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments and shall provide a copy of the decision to the Commissioner, the affected water company, and the Commissioner of Public Health.
- 9.06 To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- 9.07 The Agency may hold a public hearing on an application for a permit in accordance with Section 10 of these Regulations.
- 9.08 The Agency shall not issue a permit unless a complete application has been received, and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section 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 already occurs.

- (2) The proposed regulated activity shall not increase the number or storage capacity of underground storage tanks used for hazardous materials, except for the replacement of an existing underground storage tank in accordance with Section 12.01(3) of these Regulations.
  - (3) The materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 12.02 and 13 of these Regulations.
  - (4) The applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state, and federal environmental laws in accordance with Section 9.04(2) of these Regulations.
  - (5) The applicant's compliance record does not indicate (i) that any noncompliance resulted from indifference to or disregard for the legal requirements, (ii) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (iii) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm.
  - (6) The proposed regulated activity shall be conducted in accordance with Section 12 of these Regulations.
  - (7) The existing regulated activity is being conducted in accordance with Section 12 of these Regulations.
  - (8) The certification required under Section 9.04(7) of these Regulations has been signed by the applicant and the individual responsible for preparing the application.
- 9.09 The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the groundwater, including, but not limited to, best management practices in addition to those set forth in Section 12 of these Regulations and groundwater monitoring.
- 9.10 The following general provisions shall be included in the issuance of all permits:
- (1) The Agency has relied in whole or in part on information provided by the applicant, and if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the permit may be modified, suspended, or revoked.
  - (2) All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
  - (3) The permit shall expire ten years from the date of issuance thereof by the Agency.
  - (4) A person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed or enforcement action with regard to the regulated activity has been taken, in which case a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- 9.11 Within fifteen days of the date of the decision, the Agency shall notify the applicant or permittee by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the City of Bristol.
- 9.12 A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- 9.13 Any person wishing to assume the benefits under a permit for a regulated activity shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

## **SECTION 10 – PUBLIC HEARINGS REGARDING PERMIT APPLICATIONS**

- 10.01 If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than 65 days after the date of receipt of such application.
- 10.02 Notice of the hearing shall be published at least twice, at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing, in a newspaper having a general circulation in the City of Bristol.
- 10.03 At least ten days before the hearing, the Agency shall send to any affected water company a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.
- 10.04 All applications, maps, and documents relating thereto shall be open for public inspection.
- 10.05 At such hearing, any person or persons may appear and be heard.
- 10.06 The hearing shall be completed within 35 days of its commencement.
- 10.07 The applicant may consent to one or more extensions of the time periods in Sections 10.01 or 10.06 of these Regulations, provided that the total extension of all such periods, including any extensions provided in Section 9.03 of these Regulations, does not exceed 65 days.
- 10.08 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- 10.09 The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9.11 of these Regulations.

## **SECTION 11 – BOND AND INSURANCE RELEVANT TO PERMIT APPLICANTS**

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

## **SECTION 12 – BEST MANAGEMENT PRACTICES**

- 12.01 Every regulated activity shall be conducted in accordance with the following:
  - (1) Hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
    - a. Hazardous material shall be stored in a building or under a roof that minimizes stormwater entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in Section 2 of these Regulations.
    - b. Floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material.
    - c. A structure which may be used for storage or transfer of hazardous material shall be protected from stormwater run-on, and groundwater intrusion.

- d. Hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area.
- e. Hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion, or generation of toxic substances.
- f. Hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material.
- g. Hazardous material shall be stored only in an area that is secured against un-authorized entry by the public.
- h. The requirements of this Section are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976.

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

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

(4) No person shall use, maintain, or install floor drains, dry wells, or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes and a materials management plan is developed and implemented in accordance with Section 13 of these Regulations.

12.02 A materials management plan shall be developed and implemented in accordance with Section 13 of these Regulations.

12.03 The development and implementation of a stormwater management plan required for regulated activities in accordance with Sections 8.03 and 9.04 of these Regulations shall be as follows: A stormwater management plan shall assure that stormwater run-off generated by the subject regulated activity (i) is managed in a manner so as to prevent pollution of groundwater, and (ii) complies with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

### **SECTION 13 – MATERIALS MANAGEMENT PLAN**

13.01 At a minimum, a materials management plan shall contain the following information with respect to the subject regulated activity:

- (1) 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;
- (2) A description of any operations or practices that may pose a threat of pollution to the aquifer, which description 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;

- (3) the name, street address, mailing address, telephone number, e-mail address, and title of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency;
- (4) 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 there for inspection during normal business hours by the Commissioner, the Agency, and its duly authorized agent; and
- (5) an emergency response plan for responding to a release of hazardous materials which describes how each such release could result in pollution to the underlying aquifer and sets forth the methods used or to be used to prevent and abate any such a release.

13.02 When a materials management plan is required under either Section 8.03 or 9.04 of these Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan.

13.03 The materials management plan shall be maintained at the subject facility and shall be made available there for inspection during normal business hours by the Commissioner, the Agency, and its duly authorized agent.

#### **SECTION 14 – OTHER STATE, FEDERAL AND LOCAL LAWS**

14.01 Nothing in these Regulations shall obviate the requirement for the applicant to obtain any other assents, permits, or licenses required by law or regulation by the City of Bristol, State of Connecticut, and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency. Obtaining such assents, permits, or licenses shall be the sole responsibility of the applicant.

14.02 No person shall conduct any regulated activity within an aquifer protection area that requires zoning or subdivision approval without first having obtained a valid certificate of zoning compliance, subdivision approval, Special Permit, variance, wetlands permit, or other documentation establishing that the proposal complies with the City of Bristol Zoning Regulations or Subdivision Regulations.

#### **SECTION 15 – ENFORCEMENT**

15.01 The Agency may appoint a duly authorized agent to act on its behalf with the authority to issue notices of violation or cease-and-desist orders.

15.02 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these Regulations, the Agency or its duly authorized agent may:

- (1) issue a notice of violation.
  - a. The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation, including without limitation halting the activity in the aquifer protection area.
  - b. The Agency may request that the person appear at the next meeting of the Agency to discuss the

unauthorized activity and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in the issuance of an order under Section 15.02(2) of these Regulations or other enforcement proceedings as provided by law.

(2) issue a written order.

- a. Such order shall be issued by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
- b. Within ten days of the issuance of such order, the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten days of the completion of the hearing, shall notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

(3) suspend or revoke registration or permit.

- a. The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions, or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
- b. The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the City of Bristol.

15.03 An order issued pursuant to Section 15.02(2) of these Regulations shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Section 15.02(3) of this Section.

15.04 A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of these Regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

## **SECTION 16 – AMENDMENTS**

16.01 These Regulations may be amended, changed, or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.

16.02 If a complete application for a permit is filed with the Agency in conformance with these Regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in these Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

## **SECTION 17 – APPEALS**

17.01 Appeal of the Agency’s regulations, orders, decisions, or actions shall be taken in accordance with §22a-354q of the Connecticut General Statutes.

## **SECTION 18 – CONFLICT AND SEVERANCE**

18.01 If there is a conflict between provisions of these Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision, or provision of these Regulations shall not affect the validity of any other part that can be given effect without such invalid part or parts.

18.02 If there is a conflict between the provisions of these Regulations and the Act, the provisions of the Act shall govern.

## **SECTION 19 – REGISTRATION AND PERMIT APPLICATION FEES**

19.01 All fees required by these Regulations shall be submitted to the Agency at the same time the registration or permit application is filed with the Agency.

19.02 No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee has been paid in full or unless a waiver has been granted by the Agency pursuant to Section 19.06 of these Regulations.

19.03 The registration or permit application fee shall not be refundable.

19.04 The Agency shall adopt a schedule of fees for the administration of its activities under these Regulations, including registrations, permit applications, inspections, reviews, and transfers.

19.05 Boards, commissions, agencies, and departments of the City of Bristol shall be exempt from all fee requirements.

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

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

19.07 Extra Assessments

- (1) In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred by the Agency in processing a registration or permit application, the applicant/registant may be assessed an additional fee to cover said costs. Said fees are to be estimated by the duly authorized agent, submitted with the registration or permit application fee, and held until the application is completely processed, after which time any residual funds pertaining to this assessment shall be returned to the applicant/registant.
- (2) For the purpose of this assessment, an “outside consultant” means a professional who is not an employee of the City of Bristol, including but not limited to engineering, environmental, hydrogeology, and hazardous materials management professionals.

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

**SECTION 20 – EFFECTIVE DATE**

20.01 These Regulations, aquifer protection area boundaries, and amendments thereto shall become effective upon (1) the Commissioner’s determination that such regulations are reasonably related to the purpose of groundwater protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing a copy of such regulations in the Office of the Town and City Clerk.

**Effective Date: August 15, 2011**

# **AQUIFER PROTECTION AREA REGULATIONS**

**City of Bristol, Connecticut**

Adopted: July 13, 2011

Effective: August 15, 2011