Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Land & Water Resources Division

Instructions for Completing LWRD License Application Form B Aquifer Protection Area Permit

Use these instructions to complete the LWRD License Application Form B, Aquifer Protection Area Permit (DEEP-LWRD-APP-001B). These instructions are not a substitute for the requirements of any relevant statutes or regulations. You should review all applicable laws prior to completing the registration form. Remember, it is your responsibility to comply with all applicable laws.

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

Introduction

The Aquifer Protection Area Program was established to protect large public water supply wells from contamination through land use controls. In accordance with the Aquifer Protection Area Land Use Regulations, sections 22a-354i-1 to 22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies (RCSA), new activities using significant quantities of hazardous materials are prohibited from locating within Aquifer Protection Areas, while existing facilities are required to register their use. Registration allows the facility to continue to operate at that site. In addition, a registrant may apply for a permit to add (or change to) a new regulated activity on the site.

Basic best management practices for handling and storage of hazardous materials are required. The facility must develop and implement a materials management plan, which is maintained at the facility and submitted to the Department of Energy and Environmental Protection (DEEP), upon request. Guidance for developing a materials management plan is available from DEEP.

Any questions that you may have regarding the Aquifer Protection Area Program should be directed to 860-424-3019 or via e-mail at deep.aquiferprotection@ct.gov. Program information is available on the web at www.ct.gov/DEEP/aquiferprotection.

Who May Apply for a Permit to Add a Regulated Activity to a Registered Facility?

Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs, in accordance with RCSA section 22a-354i-8.

Do I Apply for a Permit with the DEEP or the Municipal Aquifer Protection Agency?

You must apply to DEEP for a permit to add a regulated activity if the registered facility:

1) holds one or more of the following permits: National Pollutant Discharge Elimination System (NPDES), State Pollutant Discharge Elimination System (SPDES) or Federal Resource Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal Facility (TSDF);

2) is a public service company;

3) is a large-quantity hazardous waste generator; or

4) is a state agency,

as specified in section 22a-354p(g) of the Connecticut General Statutes (CGS).

To obtain a permit from DEEP for *LWRD License Application Form B, Aquifer Protection Area Permit* (DEEP-LWRD-APP-001B), see "How to Apply" in the paragraph below.

All other regulated activities must apply for a permit to add a regulated activity with the municipal aquifer protection agency in the town in which the facility is located on forms obtained from the municipal aquifer protection agency. If a facility is located in more than one municipality, the facility must register with each municipality.

Time Frame for Permits

A permit to add a regulated activity to a registered facility must be obtained prior to commencement of the new regulated activity. To allow sufficient time for processing, such permit application should be submitted to DEEP at least 180 days prior to the anticipated commencement date of such regulated activity.

A permit will expire ten (10) years from the date of issuance of the permit.

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

If your application is or may be untimely, (i.e., submitted less than 120 days before the expiration date), please refer to section 22a-6j of the Connecticut General Statutes (CGS). If a renewal application is not submitted prior to the expiration date of the existing permit, then the existing permit is deemed to have expired.

If you are applying for a *modification* of an active, valid permit, you may be required to submit certain parts of, or an entire, application. For further information concerning modifications, please contact the Aquifer Protection Area Program at 860-424-3019.

If there are any changes or corrections to your company/facility or individual mailing or billing address or contact information, please complete and submit the *Request to Change Company/Individual Name Form* to the address indicated on the form. If there is a change in name of the entity holding a DEEP license or a change in ownership, contact the Office of Planning and Program Development (OPPD) at 860-424-3003. For any other changes you must contact the specific program from which you hold a current DEEP license.

Any person proposing to transfer a DEEP permit must submit a completed *License Transfer Form* (DEEP-APP-006) [and transfer fee] to DEEP. The *License Transfer Form* may be used for changes in

owners and operators of the licensed activity; if other changes are proposed to the facility, the site, and/or to facility operations, the proposed transferee must also request a permit modification. For further information concerning license transfers, please contact OPPD at 860-424-3003.

Fee Information

A fee of $1250.00 must be submitted for each permit you are seeking. Each separate facility (or non-contiguous property) requires a separate application and fee. The application will not be processed without the fee. The payment should be in the form of a check or money order made payable to "Department of Energy and Environmental Protection". The fee for municipalities is $625.00. There is no fee for modifications.

DEEP will not process an application and will deem such application to be insufficient unless the required initial fees have been paid.

How to Apply

Instructions for submitting an application to DEEP LWRD:

1. Mail a copy of the completed *LWRD Transmittal Form* and fee payment, to:

   CENTRAL PERMIT PROCESSING UNIT
   CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
   79 ELM STREET
   HARTFORD, CT 06106-5127

2. Upon receipt of the *LWRD Transmittal Form* and fee, the Central Permit Processing Unit (CPPU) will e-mail a confirmation receipt letter to you containing the DEEP assigned application number.

3. Upon receipt of the email from CPPU, electronically submit the full application package with the remaining required sections:
   a. Send an empty/blank email to DEEP.LWRDRegulatorySubmittals@ct.gov.

   b. An automated email response will contain instructions for uploading this *LWRD Transmittal Form* and applicable Program Forms, management plans, or Appendices of your application to the LWRD File Transfer Protocol (FTP) website.

   c. Follow directions contained in the email for uploading the application sections.

If you are not capable of submitting the application electronically or if you have other questions or concerns regarding application submittals, please contact LWRD staff at 860-424-3019.

When submitting your application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name as indicated on the application form. When additional space is necessary to answer a question stated in the application, please insert

additional sheets by the appropriate question. Label each sheet with the applicant's name as indicated on the application form, along with the corresponding part number and question number indicated on the application form. You should retain a copy of all documents for your files.

Part I: Notifications

The applicant shall simultaneously file a copy of this *LWRD License Application Form B, Aquifer Protection Area Permit* (DEEP-LWRD-APP-001B), along with the *LWRD Transmittal Form* to ***all three*** of the following, the municipal aquifer protection agency, the Commissioner of Public Health and the affected water company, in accordance with the Regulations of Connecticut State Agencies (RCSA) Section 22a-354i-7(b)(1).

Send a copy of the completed registration form to the following:

a. Municipal Aquifer Protection Agency in the town in which the facility is located. (For contacts and mailing addresses refer to the Connecticut Aquifer Protection Agency Directory.)

b. Commissioner of Public Health at DPH.SourceProtection@ct.gov.

c. Affected water company. (For contacts and mailing addresses refer to Water Company Contact List.)

Part II: Site/Facility Information

1. **The Site Name and Location**

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

   The "facility" (as defined in RCSA section 22a-354i-1) means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person.

   The information provided as the location address should be the address of the property at which the regulated activity takes place. The location should include the site location identified on the municipal tax assessor's maps, including map name and number, block and lot. Coordinates of the exact site location should be provided and include the Latitude and Longitude in degrees, minutes, seconds format or decimal degrees. If a USGS map was used, provide the USGS quadrangle name.

2. **Name of Aquifer Protection Area**

   The name of the aquifer protection area in which the site/facility resides should be identified. The name may be found on the DEEP's web page www.ct.gov/deep/aquiferprotection and use the Aquifer Protection Area Interactive Map.

3. **Brief Description of Business Type**

   Briefly describe the type of business conducted at the regulated site/facility. For example, a tool and manufacturing facility, or an asphalt plant.

4. **License History**

   Provide a license history of the site/facility's DEEP licenses. Indicate the number and date of issuance of any previous state permits issued by DEEP and the names to whom they were issued.

5. **Coastal Management Act Consistency**

   If the application is for a new permit or a modification of an existing permit where the physical footprint of the subject activity is modified you must further evaluate your activity as detailed below.

   Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS sections 22a-90 through 22a-112). You may be required to complete a Coastal Consistency Review Form (DEEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. To determine whether this requirement pertains to you, you must first decide if your activity is, or is proposed to be, located in either the coastal area or the coastal boundary.
   The coastal area, as defined in CGS section 22a-94 (a), includes the land and water within the following towns:

Branford	Guilford	Old Saybrook
Bridgeport	Hamden	Orange
Chester	Ledyard	Preston
Clinton	Lyme	Shelton
Darien	Madison	Stamford
Deep River	Milford	Stonington (Borough
East Haven	Montville	and Town of)
East Lyme	New London	Stratford
Essex	New Haven	Waterford
Fairfield	North Haven	West Haven
Greenwich	Norwalk	Westbrook
Groton (City and	Norwich	Westport
Town of)	Old Lyme	

The *coastal boundary*, as defined in CGS section 22a-94(b), is a designated region within the coastal area. It is delineated on DEEP-approved coastal boundary maps which are available for review at the DEEP Land and Water Resources Division (LWRD), the DEEP File Room, and municipal offices of towns located in the coastal area. Copies of these maps may also be purchased from the DEEP Store. The map can also be viewed at: www.cteco.uconn.edu/map_catalog.asp
(Select the town and then select coastal boundary. If the town is not within the coastal boundary you will not be able to select the coastal boundary map.)

Activities within the coastal boundary:

If your activity is, or is proposed to be, located in the coastal boundary, and you are applying for a new permit or a modification of an existing permit where the physical footprint of the subject activity changes, you must complete a *Coastal Consistency Review Form* (DEEP-APP-004) and

submit it with your application as Attachment 44.

For renewals or other modifications of existing permits for activities located within the coastal boundary, you are not required to submit a Coastal Consistency Review Form with your initial application materials. However, DEEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

Activities outside the coastal boundary but within the coastal area:

For permit applications (new permits, modifications, or renewals) for activities located outside of the coastal boundary, but within a town in the coastal area, you are not required to submit a Coastal Consistency Review Form with your initial application materials. However, DEEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

For assistance in completing the form, or if you have questions on this process, call LWRD at 860-424-3034.

6. Natural Diversity Data Base (NDDB) – Endangered, Threatened, and Species of Certain Consultation

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the DEEP commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

Please refer to "Requests for Natural Diversity Data Base State Listed Species Reviews" located on the DEEP website at: www.ct.gov/deep/nddbrequest to determine if your activity, including any areas beyond the immediate footprint of the project and beyond the property line that will be either directly or indirectly affected, is located within an area identified as, or otherwise known to be, a habitat for endangered, threatened or special concern species. Include areas such as equipment and materials staging areas, areas receiving discharge and dredge material disposal areas. If applicable, prior to submitting the subject application, you must submit a Request for NDDB State Listed Species Review" form (DEEP-APP-007) to NDDB. Please note that NDDB review generally takes 4 to 6 weeks and may require the applicant to produce additional documentation, such as ecological surveys, which must be completed prior to submitting the subject permit application. A copy of the NDDB Determination response letter that has not expired ***must*** be submitted with the completed subject application as Attachment 20. Include a copy of any mitigation measures developed for this activity and approved by NDDB. Do *not* submit any NDDB Preliminary Site Assessments with your application. Be aware that you must renew your NDDB Determination if it expires before project work commences.

7. **Regulated Activities**

Check off ***all*** regulated activities conducted at the facility.

Note that only regulated activities conducted at facilities as specified in CGS section 22a-354p(g) need to register with the DEEP.

Note that the descriptions of regulated activities listed in the registration form are simplified. The full descriptions, which include some exceptions, are provided in RCSA section 22a-354i- 1(34), reproduced in this document as Appendix A. These regulated activities are further modified by exceptions listed in RCSA section 22a-354i-5(c), also included in Appendix A of these instructions, which exempts residential activities, volumes of hazardous materials below given thresholds, agricultural activities, as well as several other minor categories.

Part III: Best Management Practices

Applicants must certify that the regulated activities at the facility are in compliance with Best Management Practices (BMPs) specified in RCSA section 22a-354i-9(a) in order to complete the application form. Such BMPs are attached as Appendix B of these instructions. Most facilities will already be in compliance with the very basic BMPs in RCSA section 22a-354i-9(a)(1)-(4). The applicant *and* the operator, if different from the applicant, must sign the certification.

The applicant must check the box by each of the five BMPs as verification that the facility is in compliance with all of the BMPs, even if not applicable to the site. The applicant may indicate on the form that the BMP is not applicable, however, the box must still be checked. For example, a facility does not have any underground storage tanks on site. The box is checked and next to this the registrant writes "N/A" for not applicable.

Note: An application will be considered incomplete unless the required signatures are provided. Note that electronic signatures are acceptable.

Part IV: Supporting Documents

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

Label all attachments as referenced in the application form and these instructions and be sure to include the name of the applicant and site address as indicated on the applicant form.

The following attachments are required for all applications:

Attachment 2: Certified Mail Receipts

Submit, as Attachment 2, copies of certified mail receipts or other proof demonstrating that a copy of

the Aquifer Protection Area Registration was sent as required by RCSA Section 22a-354i-7(b)(2) to:

1. The Municipal Aquifer Protection Agency;
2. Commissioner of Public Health; and
3. Affected water company.

Attachment 12: A Facility Boundary Map

Submit, as Attachment 12, a facility boundary map, indicating the exact location of the facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base in accordance with RCSA section 22a-354i-7(c)(2).

See Figure A and Figure B, at the end of these instructions, for an example of how a USGS Map must be labeled when submitted. The quadrangle name should be noted on the copy of the map submitted. DEEP will use this map to enter your facility location into its Geographic Information System (GIS).

It is important that you accurately locate the facility on this map. An inaccurate description of the facility location may delay the processing of your registration. In accordance with RCSA section 22a-354i-1, "facility" is defined as property where a regulated activity is being conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person.

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

Attachment 20: Natural Diversity Data Base (NDDB) -Endangered or Threatened Species Information

Submit a copy of the NDDB Determination response letter that has not expired, and include a copy of any mitigation measures developed for this activity and approved by NDDB, as Attachment 20, as explained in Part II, item 6 of these instructions.

Attachment 38: Materials Management Plan

Submit, as Attachment 38, a Materials Management Plan. A copy of the Materials Management Plan must be maintained on-site. A Materials Management Plan shall be developed and implemented in accordance with RCSA section 22a-354i-9(a)(5). Refer to the Model Form for Developing a Materials Management Plan for Regulated Activities in Aquifer Protection Areas for guidance.

Attachment 39: Stormwater Management Plan and Aquifer Protection Supplement

Submit, as Attachment 39, a Stormwater Management Plan which includes an Aquifer Protection

Supplement required by RCSA section 22a-354i-8(c). A copy of the Stormwater Management Plan must be maintained on-site. A Stormwater Management Plan shall be implemented to assure that stormwater runoff generated by the subject regulated activity is managed in a manner so as to prevent pollution of ground water and shall comply with all of the Stormwater Management Plan requirements of the General Permit for the Discharge of Storm Water Associated with a Commercial Activity. Refer to the Instructions for Developing a Stormwater Management Plan for Regulated Activities in Aquifer Protection Areas and the Aquifer Protection Stormwater Management Plan Supplement Form for guidance.

Attachment 43: Other Information, including additional signatures for Registrant Certification

Submit, as Attachment 43, other information, including additional signatures for Registrant Certification.

Attachment 44: Coastal Consistency Review Form

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS sections 22a-90 through 22a-112). You may be required to complete a *Coastal Consistency Review Form* (DEEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. Please refer to the instructions in Part II, item 5, to determine if this requirement pertains to you

Part V: Registrant Certification

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

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

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

An application will be considered incomplete unless all required signatures are provided.

Figure A: Aquifer Protection Area Facility Boundary Map

USGS Quadrangle Map: Putnam
Map Scale: 1:24,000 (1"=2,000')
APA Boundary — Facility Boundary

1. Facility Boundary clearly shows at scale 1:24,000.
2. Facility Boundary where site boundary is too small to show on map at scale 1: 24,000. Please attach a detailed map at a scale which clearly shows facility boundary. See Figure B for example.

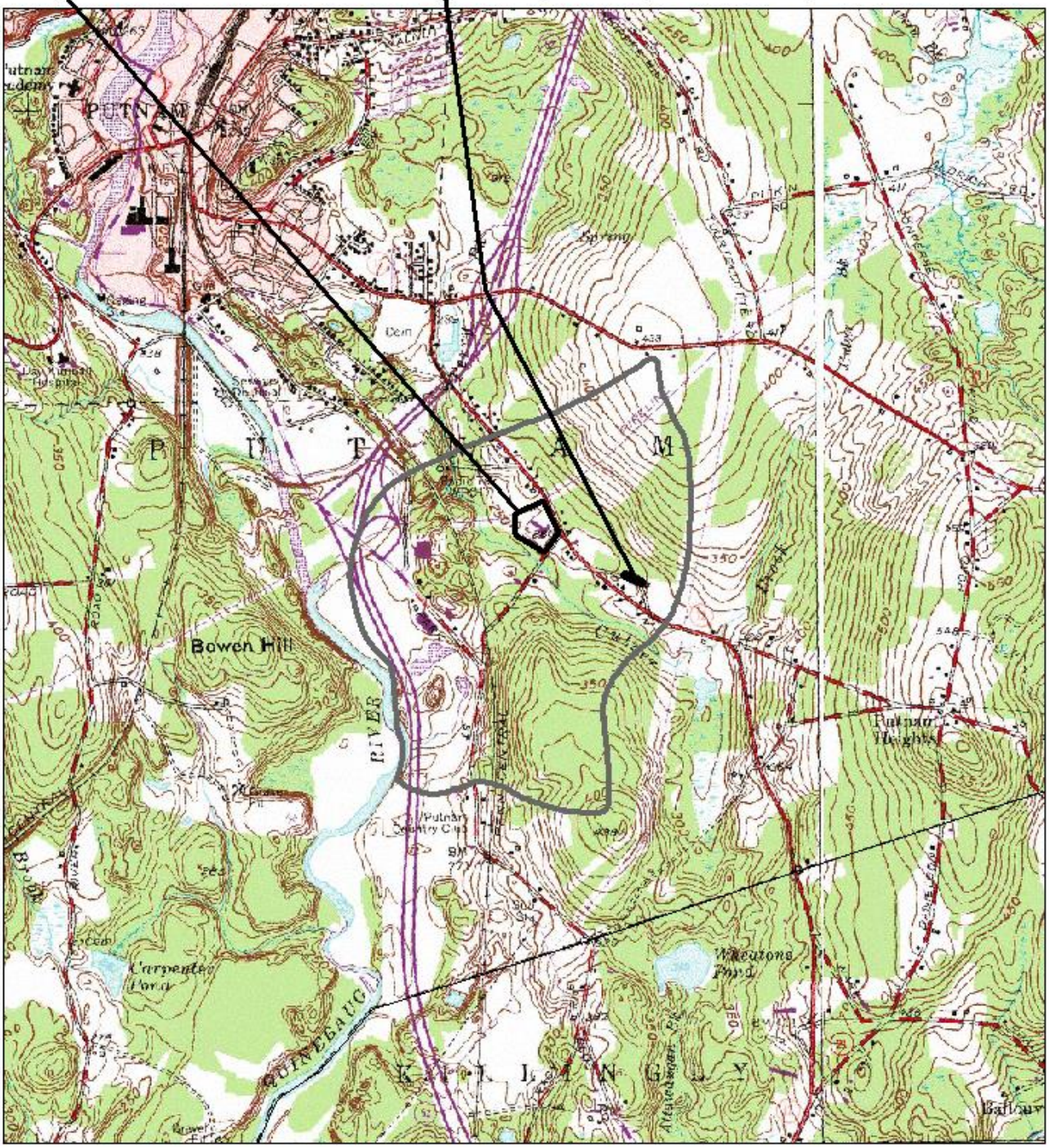
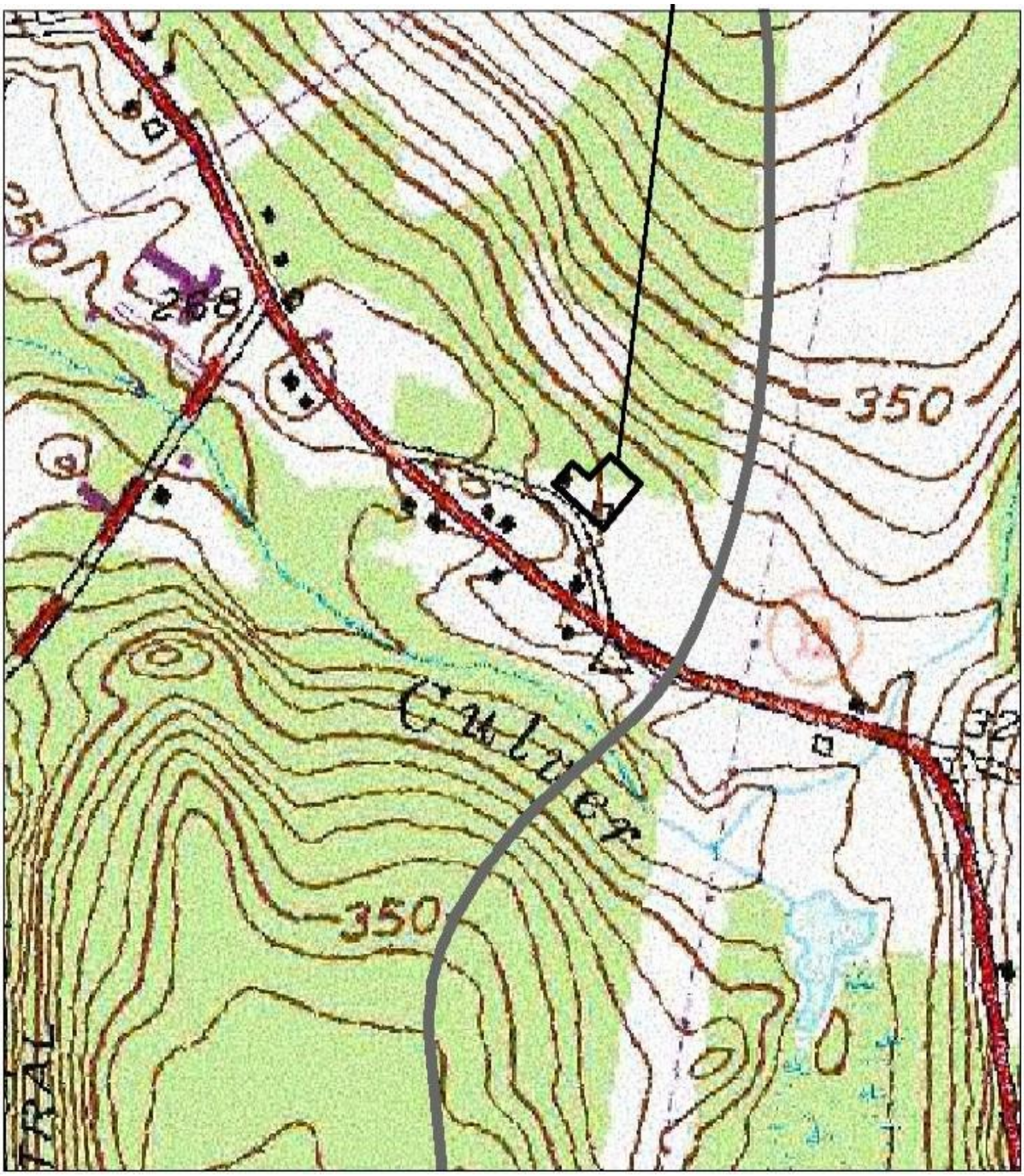


Figure B: Aquifer Protection Area Detailed Facility Boundary Map

Example of a detailed map at a scale which clearly shows facility boundary where site boundary is too small to show on map at scale 1: 24,000. In this example the scale chosen to show detail is 1: 6,000.

USGS Quadrangle Map: Putnam
Map Scale: 1:6,000 (1" = 500')
APA Boundary
Facility Boundary



Appendix A: Regulations of Connecticut State Agencies Section 22a-354i-1(34)

Definition of a regulated activity

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

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

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

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

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

(E) salvage operations of metal or vehicle parts,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,

(BB) pulp production processes that involve bleaching.

Appendix A (continued): Regulations of Connecticut State Agencies Section 22a-354i-5(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
(B) the above-ground storage tank (or tanks) is a double-walled tank with overfill alarms, and
(C) all associated piping is either above ground, or has secondary containment.

Appendix B: Regulations of Connecticut State Agencies Section 22a-354i-9(a)

Best Management Practices (BMPs) for Regulated Activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following:

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

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

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

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

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

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

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

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

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

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

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

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