

Instructions for Completing an Application for Exemption from Regulation in an Aquifer Protection Area

Use these instructions to complete the [Application Form for Exemption from Regulation in an Aquifer Protection Area](#) (DEEP-APA-APP-300). 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 application 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.

The [Aquifer Protection Area Land Use Regulations section 22a-354i-6](#) provides the process by which the Commissioner of the Department of Energy and Environmental Protection may exempt a [regulated activity](#) from the state aquifer protection area regulations if the Commissioner determines that such activity does not and will not pose a threat to any public supply well subject to regulation under section 22a-354c or 22a-354z of the Connecticut General Statutes.

An exemption shall not be granted unless the owner of such activity clearly and convincingly demonstrates and the Commissioner finds that, any hazardous material released into the ground from the subject regulated activity would not render the ground water unsuitable for drinking without treatment.

Any questions that you may have regarding the Aquifer Protection Area Program should be directed to DEEP.AquiferProtection@ct.gov or 860-424-3020. Information on the Aquifer Protection Area Program is available on the web at www.ct.gov/DEEP/aquiferprotection.

Who May Apply for an Exemption from Regulation in an Aquifer Protection Area?

Any person seeking to conduct a regulated activity in an aquifer protection area may apply to the Commissioner for an exemption from prohibition or regulation.

Part I: Application and Fee Information

This exemption application form is for requesting an exemption from prohibition or regulation in an Aquifer Protection Area in accordance with section 22a-354i-6 of the Regulations of Connecticut State Agencies.

There is no fee for this exemption application.

Part II: Notifications

The applicant shall submit the original *Application for Exemption from Regulation in an Aquifer Protection Area* to the Commissioner of the Department of Energy & Environmental Protection, and shall simultaneously file a copy of this application and all supporting documents to **all** of the following agencies in accordance with the Regulations of Connecticut State Agencies (RCSA) Section 22a-354i-6(b):

1. Municipal Aquifer Protection Agency; (For contacts and mailing addresses refer to the [Connecticut Aquifer Protection Agent Directory](#).)
2. Commissioner of Public Health (DPH) at DPH.SourceProtection@ct.gov; and
3. Any affected water company. (For contacts and mailing addresses refer to [Water Company Contact List](#).)

Proof of these notifications must be provided as Attachment A.

Part III: Applicant Information

When completing this part, please use the following standards:

1. *Applicant Name* - Provide the full, legal *company/firm* name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration. Please note, for those entities registered with the Secretary of State, the registered name will be the name used by DEEP. This information can be accessed at [Business Records Search](#). If identifying an *individual*, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.). If the applicant is a governmental body, identify the city or town of such body followed by the relevant department, board or division.

Mailing Address – Provide the mailing address of the applicant as that of the company/firm as it is registered with the Secretary of State, or the mailing address of

the individual or of the governmental body.

Business Phone - Unless otherwise indicated, the phone number provided should be the number where the corresponding individual can be contacted during daytime business hours.

Contact Person - Provide the name and title of the specific individual within the company whom DEEP may contact.

E-Mail – Applicants must provide an accurate e-mail address when completing their application form. The e-mail address may be used for future correspondence from DEEP to your business.

Applicant Type and Applicant's interest in the property - Complete the information concerning the applicant.

2. *Billing Contact* – Complete the information concerning the applicant's billing contact, if different than the applicant.
3. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for *you* during the processing of the permit application, complete this section. DEEP will direct copies of all correspondence and inquiries to this primary contact.
4. *Attorney* - It is not required that an applicant be represented by an *attorney* or any other agent. If you do have an attorney representing you for this application, complete this section.
5. *Facility Operator* - If the applicant is not the operator of the affected facility complete this section.
6. *Facility Owner* - If the applicant is not the owner of the affected facility complete this section.

7. *Site/Property Owner* - If the applicant is not the owner of the affected site/property complete this section.
8. *Engineer(s) or Consultant(s)* - List any engineers or other consultants employed or retained to assist in preparing the application or to design, construct or operate the proposed activity. Be sure to identify the service that is being provided by each.

Part IV: Pre-Application Coordination

If a pre-application meeting was held for the subject activity, please provide the DEEP staff contact name and the date the pre-application meeting was held. Also check the appropriate box indicating whether multiple permits or a single permit were required for the subject activity.

Part V: Site/Facility Information

1. Site Name and Location

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

The information provided as the location address should be the address of the property at which the regulated activity proposes to take place. Include the street address and municipality.

2. Aquifer Protection Area

Identify the mapped Level A or Level B Aquifer Protection Area, as defined and regulated by CGS section 22a-354a through 22a-354bb, where this facility is located. The name of the aquifer protection area may be found using the [Aquifer Protection Area Interactive Map](#) on the DEEP's web site.

3a. Permitting History: Indicate any previous state permits issued by DEEP to the applicant. Include the permit number, date of issuance of and the names to whom they were issued, and the date of expiration.

3b. Additional DEEP Licenses or Permits
If the activity that is the subject of this

application requires any additional DEEP licenses or permits, then check the boxes of all that apply.

3c. Enforcement History: Is this application associated with a formal or informal enforcement action pending with DEEP? If so, please provide the enforcement action reference number, the DEEP Division or Program, the name of the DEEP staff contact, and a brief explanation.

4. Municipal Zoning: If this site is not compliant with municipal zoning requirements, provide an explanation.

5. Soil and/or Groundwater Remediation:
Does the site work include soil and/or groundwater remediation? If yes, provide documentation and a summary of the remediation.

6. Tribal Reservation Lands

Check the appropriate box to specify if the activity which is the subject of the application will be located on federal or state recognized tribal lands.

Note: DEEP requires all applicants to conduct a review of the following Coastal and Natural Diversity Data Base information as soon as possible and to resolve any outstanding issues, where feasible, before submitting their permit application to DEEP to ensure a more timely and efficient review of their permit application.

7. Coastal Boundary

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 and Town of) |
| East Haven | Montville | Stratford |
| East Lyme | New London | Waterford |
| Essex | New Haven | West Haven |
| Fairfield | North Haven | Westbrook |
| Greenwich | Norwalk | Westport |
| Groton (City and Town of) | Norwich | |
| | 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, you must complete a [Coastal Consistency Review Form](#) (DEEP-APP-004) and submit it with your application as Attachment J.

Activities outside the coastal boundary but within the coastal area:

For permit applications 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.

8. *Natural Diversity Data Base (NDDB) - Endangered And Threatened Species*

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: <https://portal.ct.gov/deep/nddb/requests-for-nddb-environmental-reviews> 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 Natural Diversity Data Base Review Request using the DEEP’s ezFile portal (filings.deep.ct.gov/DEEPPortal/). To get started, create a user account and start a new NDDB filing. Additional information about this new filing process can be found on the NDDB [website](#). ***All requests for review must go through the new NDDB portal.***

Email deep.nddbrequest@ct.gov if you need help.

Please note that NDDDB 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 NDDDB Determination response letter that has not expired **must** be submitted with the completed subject application as Attachment K. Include a copy of any mitigation measures developed for this activity and approved by NDDDB. Do *not* submit any NDDDB Preliminary Site Assessments with your application. Be aware that you must renew your NDDDB Determination if it expires before project work commences.

9. *Conservation or Preservation Restriction*

If the activity which is the subject of the application is located within a conservation or preservation restriction area, proof of written notice of the registration to the holder of such restriction or a letter from the holder of such restriction verifying that the registration is in compliance with the terms of the restriction, must be submitted as Attachment L, in accordance with CGS section 47-42d.

The municipality where the site is located may have information concerning such restrictions.

Part VI: Regulated Activity and Facility Process Information

Complete each of sections with applicable information, as required by [RCSA section 22a-354i-6](#).

1. A description of the purpose and nature of the subject regulated activity, and any associated processes.
2. A description of the chemical composition of the hazardous material and means of disposal of any waste, including waste water, generated or to be generated in connection with the subject regulated activity.

3. A written demonstration that any hazardous material released into the ground from the subject regulated activity would not render the ground water unsuitable for drinking without treatment.
4. In the appropriate column of the table, check **all** regulated activities proposed to be conducted at the facility that you are requesting an exemption from regulation or prohibition in an aquifer protection area.

Note that the descriptions of the regulated activities listed in the application form are simplified. The full descriptions, which include some exceptions, are provided in [RCSA section 22a-354i-1\(34\)](#). These regulated activities are further modified by exceptions listed in RCSA section 22a-354i-5(c), which exempts residential activities, volumes of hazardous materials below given thresholds, agricultural activities, as well as several other minor categories.

Part VII: Best Management Practices (BMPs)

Applicants must certify that the facility is in compliance with all the Best Management Practices (BMPs) specified in [RCSA section 22a-354i-9](#) in order to complete the application form. Development and approval of a materials management plan and a stormwater management plan must be submitted with this application. A brief guidance document and sample plans are available on the DEEP web site at <https://portal.ct.gov/DEEP/Aquifer-Protection-and-Groundwater/Aquifer-Protection/Aquifer-Protection-Program>. In addition, the plans must be maintained at the facility and made available for inspection if requested by a representative of DEEP or the Municipal Aquifer Protection Agency.

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. The applicant and the operator, if different from the applicant, must sign the certification.

Part VIII: Supporting Documents

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

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

Attachment A: Proof of Notification

Submit documentation such as a return receipt email or certified mail receipt to prove that a copy of this Aquifer Protection Area Exemption Application, including all supporting documents, was sent to all of the following in accordance with the Regulations of Connecticut State Agencies section 22a-354i-6:

1. Municipal Aquifer Protection Agency; (For contacts and mailing addresses refer to the [Connecticut Aquifer Protection Agent Directory](#).)
2. Commissioner of Public Health (DPH) at DPH.SourceProtection@ct.gov; and
3. Any affected water company. (For contacts and mailing addresses refer to [Water Company Contact List](#).)

Attachment B: A Facility Boundary Map

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

Note: 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.

Attachment C: A Waste Water Discharge Map

Submit a map showing the location of all points of any waste water discharged or to be

discharged to waters of the state, plotted on a 1:24,000 scale United States Geological Survey (USGS) topographic quadrangle base, and if the discharge points are of a density such that they may not be clearly shown at the scale of 1:24,000, an enlargement of that area showing the discharge points shall be provided. Complete the [Latitude and Longitude Form](#) (DEEP-APP-003). Indicate the quadrangle name on the map.

Attachment D: A Town Zoning Map with Aquifer Protection Area Boundary

A map showing the facility and property boundary on the town’s official zoning map with the Aquifer Protection Area boundary clearly shown and labeled with the name of the Aquifer Protection Area and effective date of the adopted boundary.

Attachment E: Materials Management Plan

Submit 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 F: Stormwater Management Plan and Aquifer Protection Supplement

Submit a Stormwater Management Plan which includes an Aquifer Protection Supplement. 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 G: Human Health Risk Assessment

Submit a human health risk assessment. Refer to the U.S. EPA's website <https://www.epa.gov/risk/conducting-human-health-risk-assessment> for guidance.

Attachment H: Fate and Transport Study

Submit a fate and transport study. Refer to the U.S. EPA's website <https://www.epa.gov/homeland-security-research/contaminant-fate-transport-and-exposure> for guidance.

Attachment I: Soil and/or Groundwater Remediation

If applicable, provide reference documentation including a plan view of the site showing the area of contamination and a summary of remediation with chemical analysis, clean-up status, and remediation program identification.

Attachment J: 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. If applicable, submit a copy of the Coastal Consistency Review Form.

Attachment K: CT NDDB Information

If applicable, 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.

Attachment L: Conservation or Preservation Restriction

If the property is subject to a conservation or preservation restriction, submit proof of written

notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction..

Attachment M: Applicant Compliance Information Form

CGS section 22a-6m provides for DEEP review of an applicant's record of compliance with the environmental laws of Connecticut, any other state and the federal government. Under the law, DEEP may consider the applicant's environmental compliance record, as well as the record of the applicant's principals and any parent companies or subsidiaries, when reviewing a permit application. All permit applications must include a completed [Applicant Compliance Information Form](#) (DEEP-APP-002).

Attachment N: Other Information, including written permission from the owner, if the applicant is not the owner

Submit written permission from the owner of the property, if the applicant is not the owner, as proof of and acknowledgement of the submittal of this exemption application from regulation or prohibition in an aquifer protection area.

Part IX: 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 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.

Part X: Submittal of Completed Application Form and all Supporting Documents

Your application must include the following:

[An Application for Exemption from Regulation in an Aquifer Protection Area](#) (DEEP-APA-APP-300) and all supporting documents.

You must submit the above materials together as a package to:

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

In addition, submit a copy of the completed Application Form and all Supporting Documents by email to:

1. DEEP.AquiferProtection@ct.gov
2. The municipal aquifer protection agency. (For contacts and mailing addresses refer to the [Connecticut Aquifer Protection Agent Directory](#)).

3. Any affected water company. (For contacts and mailing addresses refer to [Water Company Contact List](#).)
4. The Commissioner of Public Health at DPH.SourceProtection@ct.gov

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.

Affirmative Action, Equal Employment Opportunity and Americans with Disabilities

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact DEEP Office of Diversity and Equity at (860) 418-5910 or by email @ deep.accommodations@ct.gov if you are requesting a communication aid or service, have limited proficiency in English, need some other type of accommodation, or if you wish to file an ADA or Title VI discrimination complaint. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.