



The Municipal Aquifer Protection Agency

1 | The Municipal Aquifer Protection Agency

1.1 | Purpose of the Aquifer Protection Area Program

In Connecticut, more than half of the population relies on groundwater for their drinking water supply. This groundwater is extracted through wells from under groundwater supplies known as aquifers (geologic formations able to yield water to wells). Unfortunately, over 1,400 incidents of public or private water supply well contamination have been documented during the past few decades. To address this problem, Connecticut established the Aquifer Protection Area (APA) Program [CGS § 22a-354a et. sec.]. The purpose of the program is to identify critical water supply aquifer areas and to protect them from pollution by managing land use.

Municipalities are the primary regulatory body for the APA program. To carry out this role, each municipality must appoint an Aquifer Protection Agency.

1.2 | Authorization of the Aquifer Protection Agency

Section 22a-354o(a) of the CGS requires each municipality in the APA Program to appoint an existing board or commission to act as the Aquifer Protection Agency. The designation must be accomplished by local ordinance.

The ordinance authorizing the Agency determines the number of members and alternate members, the length of their terms, the method of selection and removal, and the manner for filling vacancies. A sample ordinance is included in the Model Documents section as "Model Ordinance to Designate the Municipal Aquifer Protection Agency."

Since this program involves regulating land use activities as well as pollution controls, towns may consider appointing the Planning and Zoning, the Inland Wetlands, the Conservation Commission, or the Water Pollution Control Authority as the Aquifer Protection Agency.

1.3 | Powers and Duties of the Aquifer Protection Agency

The Agency plays an integral role in the local protection of Aquifer Protection Areas. A good understanding of state and local laws regarding aquifer protection is necessary to accomplish an effective local Aquifer Protection Area program.

At least one member of the Agency or staff of the Agency must complete the course in technical training from DEEP, as required by CGS § 22a-354o(c). The technical training course uses this manual during the training, and afterward serves as a resource for implementing the program.

The Agency is responsible for local program administration and enforcement.

Their duties include:

- Completing a Land Use Inventory
- Delineating the Aquifer Protection Area Boundary
- Adopting Municipal Aquifer Protection Area Regulations
- Registering and Permitting Regulated Activities
- Enforcing the Program and Ensuring Compliance

The duties listed above are described in detail in the chapters that follow.

1.4 | Conducting Agency Business

The Aquifer Protection Agency, being an existing board or commission, will have the basic knowledge of how to conduct business. The Agency will be essentially wearing two hats; one for their existing board or commission such as the Zoning Commission or Planning Commission, and one for the Aquifer Protection Agency. Since they will be wearing two hats and sitting on two boards, it is important to follow these guidelines to avoid confusion and to keep an accurate record.

- The Aquifer Protection Agency must hold its own separate meetings, proceedings and hearings and not combine them with any other Board or Commission. They may conduct back-to-back meetings, proceedings and hearings for efficiency.

For example, if the Agency is also the Zoning Commission, and both meetings are held on the third Thursday of the month, a single public notice may be issued noticing the Zoning Commission meeting at 7:00 p.m. on Thursday, September 25, and the Aquifer Protection Agency meeting will follow "immediately thereafter." Separate agendas should be prepared and the Zoning Commission meeting must be formally adjourned before the Aquifer Protection Agency meeting opens.

- Making the Record – The Agency should keep a notebook of Agency business and include APA regulations, meeting minutes and proceedings, decisions, correspondence, notes, and emails to make the Record. Bring the notebook to all meetings and use as a reference.

1 | The Municipal Aquifer Protection Agency

- In addition to the Aquifer Protection Area Act (CGS § 22a-354a et seq.), the US and CT Constitutions, Freedom of Information Act (CGS § 1-200 et seq.), Connecticut Environmental Protection Act (CGS § 22a-1a et seq.), the municipal charter, municipal ordinances and Agency bylaws apply to the proceedings of the Agency.
- Agency proceedings are informal, but rules of “fundamental fairness” apply. This includes a number of common sense components:
 - all decisions must be made by an impartial, unbiased agency and stated clearly in the record;
 - members must be aware of any potential “conflicts of interest,” including a direct or indirect interest in a personal or financial sense by any member (The test is not whether there is a conflict, but whether it reasonably might conflict.); recusal is required to be stated on the record; and
 - all evidence must be received at the meetings or hearings, as all parties and the public have the right to know the basis upon which an Agency is making its decision.
- Site and facility walks may be used for the purposes of orientation, not discussion, and always have permission of the owner before conducting a site walk.
- All decisions of the Agency must be in writing.
- It is a good idea to tape-record all meetings and public hearings for a complete record.
- It is recommended that Agencies schedule regular meetings, generally on a monthly basis to ensure application action timeframes do not become a problem. If there are no applications to act on, meetings can be cancelled.

If Agencies have questions on conduct, your Town Counsel or DEEP may be able to help.