



**STATE OF CONNECTICUT**

**COUNCIL ON ENVIRONMENTAL QUALITY**

**VIA ELECTRONIC MAIL**

December 19, 2024

Steve Gaura  
Remediation Division  
Connecticut Department of Energy and Environmental Protection (DEEP)  
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Re: General Permit for In Situ Remediation: Chemical Oxidation (General Permit)

The Council on Environmental Quality (Council) provides the following comments regarding DEEP's proposed General Permit.

***Section 2. Definitions***

The Council suggests that definitions be provided for "environmental receptors", "aquifer protection area", and "municipal groundwater protection overlay zone/area".

***Section 3. Authorization Under This General Permit***

***(b) Requirements for Authorization***

***(3) Endangered and Threatened Species***

*Such activities do not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes and will not result in the destruction or adverse modification of habitat designated as essential to such species.*

The Council supports the protection of endangered and threatened species and their habitats. The Council also supports the protection of all critical habitat for all species. The Council suggests that DEEP revise Section 3(b)(3) to prohibit adverse modification of any critical habitat essential to any species.

***(4) Aquifer Protection***

*Such activities, if located within an aquifer protection area as mapped under section 22a-354b of the Connecticut General Statutes, comply with regulations adopted pursuant to section 22a-354i of the Connecticut General Statutes.*

The Council strongly supports the provisions of the General Permit that protect designated aquifer protection areas and suggests that the General Permit also include provisions to protect public drinking water supply watersheds and any municipal groundwater protection overlay zones/areas.

***(7) Wetlands and Watercourses***

*Such activities cause only minimal adverse impacts on the environment, including, without limitation, watercourses, coastal waters, inland wetlands, tidal wetlands, and fish and wildlife habitat.*

Keith Ainsworth  
Acting Chair

Linda Bowers

Christopher Donnelly

David Kalafa

Aimee Petras

S. Derek Phelps

Denise Rodosevich

William Warzecha

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Paul Aresta  
Executive Director

The Council is concerned that “minimal adverse impacts” would be allowed and it is unclear what constitutes “minimal adverse impacts”. The Council suggests that DEEP qualify the extent of short-term impacts that could be allowed in order to achieve a longer-term objective(s) associated with the proposed remediation activities.

***(e) Authorization and Effective Date for Eligible Activities***

***(1) Authorization by Approval of Registration***

*(C)(i) the expected zone of influence is within 1,000 feet of a public water supply well, or within 200 feet of any water supply well other than one owned by the registrant;*

The Council supports efforts to protect water supply wells proximate to the expected zone of influence. The Council questions if there is a minimum distance or buffer between the subject activity and/or the zone of influence and the location of a water supply well located on the parcel owned by the registrant, and if the provisions only apply to the parcel being treated (what if the registrant owns more than one parcel proximate to the proposed remediation activity?).

***(2) Authorization by Certificate of Coverage***

*(B) Activities referenced in Sections 3(a)(1) and 3(a)(2) of this general permit at a site polluted solely by a release from a heating oil tank with a capacity of less than 2,100 gallons,*

The Council questions why the provisions of this section apply to heating oil tanks with a capacity of as much as 2,100 gallons. As noted in the Council’s special report, [\*Fuel for Thought\*](#), “a release of heating oil has the potential to harm wildlife, and pollute soil, surface waters, and/or groundwater”. (The same question applies to Section (3)(e)(4)(B) and other sections within the General Permit that reference the same 2,100-gallon capacity). The Council suggests that DEEP assess and determine if the provisions of the proposed General Permit should address releases from heating oil tanks with less capacity, such as 1,000 gallons, which might be more typical for a residential/commercial application.

***Section 4. Registration Requirements***

***(c) Contents of Registration***

***(2) Registration Form***

*Site Setting (I) Identification of whether the area of proposed activity or zone of influence is or is not within one mile of any public water supply well;*

The Council suggests that a registrant also identify whether the area of proposed activity or zone of influence is or is not within an appropriate distance of any aquifer protection areas, public drinking water supply watersheds, and municipal groundwater protection overlay areas. This suggested change would supersede/replace the provisions of subsection (L) “*Site Proximity to Water Supplies*”, which requires that “identification” of such resources only if “the subject activity, including support activity, area under which active oxidation is expected, or zone of influence will or will not occur at a location **within** an identified aquifer protection area, or within a public drinking water source water area, or will occur on land owned by an operator of a public water supply system”.

*(N) Identification of whether the subject activity or zone of influence will or will not occur within 1,000 feet of a public water supply well, or within 200 feet of any other water supply well, and a list of all public water supply wells located within 1,000 feet and all other water supply wells located within 500 feet of the subject activity zone of influence*

The Council suggests that contact information regarding the owner/operator of any public water supply well within 1,000 feet, and/or any other water supply well within 200 feet of “*the subject activity or zone of influence*” be included in the *Contents of Registration*.

***(3) Required Supporting Documents***

***(B) Site Plan***

*(iii) the location, on the site or off-site but within 100 feet of the proposed activity or zone of influence, of structures, paved areas, water supply wells, leaching systems, known wetlands boundaries, floodplains, watercourses, and existing tanks*

The Council suggests that any water supply well on the site or off-site, within 200 feet of the subject activity or zone of influence, be depicted on the site plan to be consistent with the provisions of Section 4(2)(N) noted above.

*(D) Monitoring Plan*

*(i) identification of water supply wells within 75 feet of the proposed activity or zone of influence, and any other supply wells proposed or required to be monitored pursuant to this general permit, specifics of the well and water system construction, and rationale for exclusion of any required wells from the proposed monitoring program*

The Council suggests that DEEP assess if the distance/range for monitoring of water supply wells should be increased for wells that have a high withdrawal rate, such as a public water supply well, and/or wells located in areas where the soil permeability is high. In other words, the 75 feet distance should be the minimum requirement based on site considerations, which would be consistent with the provisions of Section 4(d)(3) *“If the proposed activity or zone of influence is within 200 feet of any water supply well pumping over ten (10) gallons per minute, or within seventy-five (75) feet of any other water supply well...”*

**Section 4. Registration Requirements**

***(d) Where to File a Registration and Other Related Documents***

*(2) If the proposed activity or zone of influence is within any part of an aquifer protection area, an area of the state with a groundwater Water Quality Classification of GAA, or a public drinking water source water area, or if the proposed activity is on land owned by an owner or operator of a public water supply, an electronic copy of the registration filed with the department, including attached supporting documents, shall be filed with the Department of Public Health ...”*

The Council supports the provisions of this subsection to provide notice to the state Department of Public Health when the proposed activity or zone of influence is within a source water supply area. The Council suggests that 1) the source water supply areas also include any municipal groundwater protection overlay zone/area, and that 2) notice also be provided to the local health agency and/or chief elected official for the host municipality and any neighboring municipality that shares the same or similar water supply source. The Council also suggests that the timeframes for notification be explicitly defined, such as “at least fifteen (15) days before the first initiation of any authorized activity”, consistent with the provisions of Section 5(a)(3).

**Section 5. Conditions of This General Permit**

***(a) Operating Conditions***

*(1) Prohibitions*

*(ii) explosive gasses to accumulate at levels above ten percent (10%) of the lower explosive limit in any confined space or basement*

The Council suggests that DEEP include provisions to prohibit the creation of a “Hazardous Atmosphere” as defined by the Occupational Health and Safety Administration (OSHA), Title 29 Code of Federal Regulations 1910.146.

***(b) Monitoring Requirements***

*(1) Monitoring Objectives and Locations*

*(A) The permittee shall establish a perimeter network of discharge monitoring wells, placed at appropriate locations and depths, to be sampled to determine if there any effects of the discharge authorized by this general permit outside the zone of influence defined in the registration.*

The Council suggests that DEEP provide guidance to assist the registrant determine the “*appropriate locations and depths*” of discharge monitoring wells. (How many? How far apart? How far from the treatment site?)

Thank you for your consideration of the Council’s comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Aresta  
Executive Director