Connecticut
Department of Energy & Environmental Protection
WATER PLANNING & MANAGEMENT

Instructions for Completing an Application for Ground Water Classification Change

Use these instructions to complete the application form DEEP-WQSC-APP-001 and prepare supporting documentation. These instructions are not a substitute for the requirements of the relevant statutes and any regulations thereunder. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws.

Introduction

The Water Quality Standards Regulations (WQS), Sections 22a-426-1 to 22a-426-9, inclusive of the Regulations of Connecticut State Agencies (RCSA) set the overall policy for management of water resources for the State of Connecticut.

Essentially, the goals of these policies are to:

- Protect surface and ground waters from degradation.
- Segregate waters used for drinking from those that play a role in waste assimilation.
- Restore surface waters that have been used for waste assimilation to conditions suitable for fishing and swimming.
- Restore degraded ground water to protect existing and designated uses.
- Provide a framework for establishing priorities for pollution abatement and State funding for clean-up.
- Adopt standards that promote the State's economy in harmony with the environment.

Three elements make up the WQS: (1) The Standards, which are the policy statements; (2) The Criteria, which are the descriptive and numerical standards that describe the classifications; and (3) The Classification Maps that show the classifications assigned to each surface and groundwater resource throughout the state. CGS Section 22a-426(f) sets out a procedure for requesting changes to the classification maps.

RCSA Section 22a-426-7(k) sets out the circumstances under which the Commissioner may consider an application to lower the ground water quality classification and the minimum demonstration that must be made by the applicant. Changes to the classifications are at the discretion of the Commissioner. Applicants are therefore encouraged to review the submission guidance document which discusses the CT DEEP's approach to reclassifications.

How To Apply

Your application for a ground water reclassification must include the following:

- *Application for Ground Water Classification Change* (DEEP-WQSC - APP-001); and
- Supporting documentation.

You must submit the above materials together as a package by email to: DEEP.CentralPermits@ct.gov and

copy DEEP.WQS@ct.gov or send a hard copy to:

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

Refer to the Available Resources Section at the end of these instructions to obtain all required documents related to the subject application.

When submitting your application, label your supporting documentation 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. You should retain a copy of all documents for your files.

Application Instructions
(DEEP-WQSC-APP-001)

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. If any questions are not applicable to your specific activity, please enter "N/A" in the space provided. If a question or supporting document is only required for specific activities it will be noted on the application form and in the instructions.

Please be advised that these instructions are not a substitute for any state or federal statutes or regulations. Be sure to refer to the applicable statutes and regulations while completing your application.

Check the "Available Resources" section at the end of these instructions for assistance in obtaining guidelines, maps, etc. which are referenced in these instructions.

Part I: Application Type and Description

Check the box to confirm that you are requesting to lower the ground water quality classification for your site from Class GA to GB. If the reclassification request is associated with a request for a Technical Impracticability (TI) Variance under the Remediation Standards Regulations, RCSA Section 22a-134tt-10 subsection (e), please check the appropriate box. Note that a request for a TI variance is a separate process from the reclassification application and checking this box does not initiate the TI process. Contact Site Remediation at (860) 424-3705 for further information on a TI variance.

Provide the town location for the subject activity and a brief description of the area proposed for reclassification. The proposed area must extend from the site to the downgradient discharge point (river), or a downgradient Class GB area. For the description, please include a clear, "plain language" description of the proposed reclassification area to be used for public notice which includes the size of the area in acres. For example, "35 acres located on the west bank of the Connecticut River, bounded on the north by Frump Street, on the south by Industrial Avenue, and on the west by Smith Street."

Part II: Fee Information

There is no application fee at this time. However, if the request meets the criteria of WQS, RCSA Section 22a-426-7(k), and the Commissioner finds this to be an appropriate reclassification, the Commissioner shall publish a permit notice and the public hearing on the subject classification change

in the local newspaper. **The applicant will be billed for the cost of publishing the public notice.** Final decision on the proposed change in classification will not be issued until the notice publication costs are paid by the applicant.

Part III: Applicant Information

When completing this part, please use the following standards:

- *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 CT DEEP. This information can be accessed at the Secretary of State's Business Records Search website.) 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.

- *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 of the specific individual within the company whom CT 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 CT DEEP to your business.

1. *Applicant* - 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. CT DEEP will direct copies of all correspondence and inquiries to this primary contact. Please be aware that for legal reasons there will be circumstances when CT DEEP will notify the applicant instead of the 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 to represent you on this matter, complete this section.

5. *Site Owner* – Complete the information concerning the site owner, if different than the applicant.

6. *Consultant* – Complete the information concerning the consultant, if a consultant was retained to prepare the application.

Part IV: Site Information

1. *Site Location*

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

The information given as the location address should be the address of the property which is the subject of the reclassification. Include the street address and municipality. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, "... on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road."

2. ***Aquifer Protection Areas***

If your site is within a Level A or Level B Aquifer Protection Area, it will not be considered for reclassification and any submitted requests will be denied.

Aquifer protection areas are defined in CGS section 22a-354a through cc and are the areas that contribute water to public water supply wells. Many towns within the state are required to establish Aquifer Protection Areas. Level A areas are final, regulated areas under the aquifer protection program. Level B areas are preliminary approximations of aquifer protection areas that have not yet been mapped to final standards, so the shape of the area may change when final mapping is completed.

Please review the list of towns, available on the CT DEEP Aquifer Protection Area Program website, to determine if your site location is within one of these towns and, if yes, check the appropriate map, also available on the above-referenced website, to see if the site is within an area identified on a Level A (final) or Level B (preliminary) map.

Part V: Status of CT DEEP Regulatory Programs

If the site is undergoing a property transfer, voluntary remediation, or other remediation- related regulatory program, please provide a brief status of the site with respect to that program and a contact person from that program, if applicable, so they can receive a copy of the final decision on the reclassification.

Part VI: Supporting Documentation

Each application for a ground water reclassification must include as Attachment A supporting documentation which demonstrates that the site meets the criteria of the WQS, RCSA Section 22a-426-7(k). Check the box for Attachment A to confirm that such documentation is attached. Please label all supporting documentation and be sure to include the name of the applicant as indicated on the *application form*.

Detailed guidance, titled *Revised Guidance for the Submission of Applications to Lower Ground Water Quality Classifications to GB,* can be found online on the Water Quality Reclassification webpage. Note that at a minimum, the application must include the requirements listed in the WQS, which are as follows:

(i) Describe the nature, extent, and date of commencement of pollution of the ground water proposed to be reclassified;

(ii) Identify all sources of drinking water in the area whose ground water is proposed to be reclassified, and identify all existing uses of ground water within and down gradient of such area;

(iii) Assess the potential of the subject area to produce ground water in an amount suitable for a public water supply; and

(iv) Describe all past and present land uses in the subject area, with dates.

In addition, the following information is needed:

(v) A table showing recent levels of ground water contamination at each observation well, with the appropriate groundwater protection, surface-water protection and volatilization criteria listed;

(vi) A table listing all properties within the area proposed to be reclassified and all properties within 500 feet of the area proposed to be reclassified and confirmation that each property is connected to public water (or is undeveloped);

(vii) A map, at 1:24,000 scale or greater showing:

a. The location of any test wells or borings, sampling points, water table elevations and contours;

b. The location of any identified sources of pollution; and

c. The location of any properties within the area proposed for reclassification which have not been demonstrated to have an adequate public water supply. (These are the properties proposed to be connected to public water by the applicant);

(viii) An 8 1/2" x 11" copy of the relevant portion of a USGS topographic quadrangle map, at a scale of 1:24,000 indicating the exact location of the proposed area for reclassification. CT DEEP will use this map to enter your project location into its Geographic Information System (GIS). It is important that you accurately locate the project site and proposed activities because the GIS generates natural resource information relevant to your site, and it will be utilized to modify the classification maps. An inaccurate description of the project location will delay processing of your application; and

(ix) A copy of the notification letter to municipal officials.

Part VII: Applicant Certification

After the application has been completed it must be reviewed and signed by both the applicant(s) 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 must 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 insufficient unless all required signatures are provided.

Available Resources:

Below is a list of possible resources for specific information required for this application. Be sure to also check the DEEP website, Department of Energy and Environmental Protection, and your local town hall or library for maps and other reference materials.

The DEEP File Room is located on the store level at 79 Elm Street, Hartford, CT. Please call 860-424-4180 or email to DEEP.RecordsCenter@ct.gov, for hours of operation.

The DEEP Store is only available online. To contact the DEEP Store, call 860-424-3555 or email deep.store@ct.gov.

Other resources:

- For the subject application form, instructions, other required documents, and general information on the Water Quality Standards and Classification program visit the CT DEEP website at: Water Quality Reclassification.
- For general assistance regarding reclassifications, contact the Water Quality Standards and Classifications Program, at (860) 424-3020.
- Electronic Copy of the Water Quality Standards Regulations: RCSA Section 22a-426-7.
- Electronic Copy of the Guidance for the Submission of Applications to Lower Water Quality Classifications to Class GB.
- Website for maps showing the existing Water Quality Classifications and Aquifer Protection Areas.
- USGS Topographic Quadrangle Map:
  Geographic Information Systems (ct.gov); DEEP Store, 860-424-3555, or USGS Office, 303-202-4700, or US Geological Survey, Western Distribution Branch, Box 25286, Denver Federal Center, Denver, CO 80225 (sells USGS maps and publications).
- Aquifer Protection Area Maps.
- State and federal statutes and regulations are available for review at various locations:

  On the web:

  - State Statutes: Legislative Commissioners' Office of the Connecticut General Assembly
  - DEEP website for Statutes and Regulations: Laws and Regulations (ct.gov)
  - US EPA website for Federal Laws, Regulations (Code of Federal Regulations; CFR), Policy, Guidance and Legislation: Laws & Regulations | US EPA

  Book Format:

  - State Library (Hartford)
  - University Law Schools (UCONN-Hartford, Yale)
  - Superior Courthouse Libraries (located throughout the state)

- Town Halls and Libraries (statutes)

Affirmative Action, Equal Employment Opportunity and Americans with Disabilities

The Connecticut Department of Energy and Environmental Protection (DEEP) 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 at 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.