



State of Connecticut

Department of Environmental Protection



Guidance for Adoption of Municipal Regulations

In order to regulate aquifer protection areas, the local aquifer protection agency must adopt aquifer protection regulations in accordance with Connecticut General Statutes (C.G.S.) Section 22a-354p and state regulations. Municipal regulations must provide for:

1. the manner in which the boundaries of aquifer protection areas shall be established and amended or changed;
2. the form for an application to conduct regulated activities within the area;
3. notice and publication requirements;
4. criteria and procedures for the review of applications; and
5. administration and enforcement.

No regulations of an aquifer protection agency shall become effective or be established until after a public hearing, at which interested parties and citizens have an opportunity to be heard. Local aquifer protection regulations must be consistent with the state regulations and the adopted regulations must be approved by the Connecticut Department of Environmental Protection (DEP). The Model Municipal Regulations for Aquifer Protection Areas have been prepared by DEP for use by municipal agencies in adopting regulations consistent with statutory requirements and state regulations.

The Adoption Process

The attached flow chart indicates the required actions and timeframes necessary to complete the regulation adoption process. Care should be taken to ensure that proper DEP, water company and public notices are given.

In particular, the municipality must:

- **send a copy of the hearing notice and proposed regulations to DEP, town clerk and affected water company(s) 35 days prior to hearing**
- **publish proper legal notices**
- **send a copy of the adopted regulations to DEP for final approval**

Send DEP copies to:

Kim Czapl
Environmental Analyst 3
Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Aquifer Protection Area Program
79 Elm Street
Hartford, CT 06106-5127

Model Municipal Regulations

CGS Section 22a-354l requires DEP to prepare a model municipal aquifer protection ordinance¹, consistent with regulations adopted under Section 22a-354i. The ordinance may be considered by municipal aquifer protection agencies in adopting regulations pursuant to Section 22a-354p. DEP encourages use of the Model Municipal Aquifer Protection Area Regulations to ensure state regulation consistency.

DEP has also prepared a reference document to provide the reader with a quick reference to the statutory and regulatory citations used in the Model Municipal Aquifer Protection Area Regulations.

Consistency with State Regulations

The adopted regulations shall not be effective unless the Commissioner of the Department of Environmental Protection (DEP) determines that they are reasonably related to the purpose of ground water protection and are not inconsistent with the state regulations. Regulations must be as stringent as state regulations. DEP is required to provide the agency with written notice of approval or the reasons the regulations cannot be approved within sixty days of receipt by DEP in accordance with Connecticut General Statutes (C.G.S.) Section 22a-354p(f).

Considerations for More Stringent Regulations

Although C.G.S. Section 22a-354p(f) allows local aquifer protection regulations to provide a greater level of protection than the state regulations, such authority is limited in scope and must be related to the purpose of ground water protection. Local regulation matters are limited to those matters specified in 22a-354p(a):

- (1) the manner in which the boundaries of aquifer protection areas shall be established and amended or changed;
- (2) the form for an application to conduct regulated activities within the area;
- (3) notice and publication requirements;
- (4) criteria and procedures for the review of applications; and
- (5) administration and enforcement.

The Aquifer Protection Act does not authorize local regulations to alter the scope of regulated activities. The authority for determining the scope of regulated activities is given solely to the DEP Commissioner under C.G.S. Section 22a-354i. The Commissioner may determine the scope of regulated activities, exceptions or conditions for non-regulated activities, exemptions, and best management practices. When considering more stringent local regulations, care must be taken to ensure they are limited to matters specified in Section 22a-354p(a) and are reasonably related to the protection of ground water. Any municipality considering a greater level of protection than provided in the DEP model municipal regulation is advised to discuss those with the DEP staff first before formally proposing regulations.

¹ DEP recognizes the ordinance as regulations.

Aquifer Protection Area Regulation Adoption Flow Chart

(CGS Sec. 22a-354p & RCSA Sec. 22a-354i-3)

