



**FINAL LANGUAGE AND STATEMENT OF REASONS:
REVISIONS TO THE GROUND WATER CLASSIFICATIONS OF CERTAIN AREAS
OF THE STATE OF CONNECTICUT**

**HEARING ON THE RECLASSIFICATION OF GROUND WATER
HEARING DATE: July 20, 2016**

Overview:

Section 22a-426-7(k)(2) of the Regulations of Connecticut State Agencies (RCSA) allows the Commissioner of the Department of Energy & Environmental Protection (Commissioner) to consider an application to lower a ground water classification from Class GA to Class GB subject to the public participation requirements of Section 22a-426 of the General Statutes. Three proposed amendments to the classification map have been submitted pursuant to Section 22a-426-7(k)(2)(B)(iii)(I) of the Regulations of Connecticut State Agencies and would lower the ground water classification from an existing classification of GA to a classification of GB at each of the proposed sites. The applications were reviewed and a tentative determination to approve the requested ground water quality reclassifications was made. A public hearing was scheduled and noticed in accordance with Section 22a-426 of the General Statutes. After conducting the hearing and considering the evidence presented in the applications, it is recommended that the Commissioner grant the request to lower the ground water quality classification from Class GA to Class GB at this site.

Criteria for lowering a water quality classification from Class GA to Class GB:

RSCA Section 22a-426-7(k)(2)(B) sets out three criteria that all applications for lowering a water quality classification must meet in order for the Commissioner to consider a change in ground water classification. The applications were submitted for consideration under RSCA Section 22a-426-7(k)(2)(B)(iii)(I), which sets out two additional criteria. Therefore, all five criteria apply to the applications, and the criteria are as follows:

(B) A ground water classification shall not be lowered to GB unless the applicant has satisfactorily demonstrated that:

(i) any person within or downgradient of the area to be reclassified and extending to an area previously classified as GB or to a surface water body to which the ground water discharges will be provided with an adequate public water supply¹;

¹ Criterion No. 1

(ii) lowering of a ground water classification will not prevent attainment of adjacent surface water quality goals² or present unacceptable health risks³; and

(iii) any of the following:

(I) That the ground water to be reclassified is polluted as a result of intense urban, commercial, or industrial development which occurred prior to 1981⁴, and the hydrologic conditions of the subject area are not suitable for the development of a significant public water supply⁵... (*RSCA 22a-426-7(k)(2)(B), effective October 10, 2013*)

Findings:

1) Three applicants petitioned the Commissioner to lower the ground water classification from Class GA to Class GB (the applications are accompanied by detailed maps that precisely identify the area which is the subject of these applications): The areas under consideration are as follows:

Killingly: Approximately 21 acres of the property at 1 Technology Dr., bounded on the south by the Quinebaug River and on the north by Goodyear Brook, submitted by Michal Webecki on behalf of Rogers Corporation;

Manchester: Approximately 55 acres in the vicinity of 80 Sheldon Rd., extending from 96 and 111 Sheldon Rd., west to Union Pond and south to an existing Class GB area, submitted by Christopher Flynn on behalf of Siemens Energy, Inc.; and

Plainville: Approximately 10 acres in the vicinity of 75 Neal Ct., abutting the Pequabuck River on the west, a rail line to the south and east and an existing GB area to the north, submitted by John A. Senese on behalf of Neal Court, LLC.

2) On June 13, 2016, in accordance with Section 22a-426 of the General Statutes, the Commissioner published notice in the *Norwich Bulletin*, *Hartford Courant* and the *Herald* of a public hearing to receive oral and written testimony on the proposed amendments to the ground water classification at a site in Greenwich. The Commissioner also provided notice to the Chief Executive Officers of Killingly, Manchester and Plainville, with a copy to the Directors of Health in each municipality.

3) A public hearing was conducted on the requested reclassifications on July 20, 2016. The applicants attended the public hearing. No members of the general public attended, and no oral or written testimony was offered. The hearing record was closed on July 20, 2016.

² Criterion No. 2

³ Criterion No. 3

⁴ Criterion No. 4

⁵ Criterion No. 5

- 4) The applications received for the three sites provided adequate information to determine that the five criteria required by RSCA Section 22a-426-7(k)(2)(B) were met:

Criterion No. 1: (Potable Water) All properties within and downgradient of the proposed reclassification areas are entirely served by public water supplies drawn from outside the areas. The applicants used utility maps, billing records and examined local health department records to confirm this and to ensure that no wells are present.

Criterion No. 2 (adjacent surface water goals) and Criterion No. 3 (unacceptable health risks): The applications presented results of investigations to determine the level of pollution of ground water at the site. Additional site remediation activities in accordance with the Site Remediation Standards Regulations will bring concentrations of pollutants in the ground water at the sites below applicable surface water protection criteria and volatilization criteria. Since the Commissioner established these criteria to protect surface water quality and public health, the reclassification should not compromise either water quality or public health.

Criterion No. 4 (pollution of ground water as a result of historic development): The applicants provided a reasonable body of ground water monitoring information that indicates that the sites' ground water has been degraded. The pollutants present include solvents, metals and petroleum products. The applications document urban, industrial or commercial uses on this site which predate the adoption of the first ground water quality standards in 1981. It is reasonable to associate the ground water pollution at the sites with the documented historic industrial or commercial activities.

Criterion No. 5 (site suitability for a significant public water supply): The sites are unsuited for the development of significant public water supply wells due to the nature of the on-site earthen and bedrock materials. Borings and geologic mapping information presented in the applications indicate the saturated thicknesses are less than 20 feet at the sites. Low transmissivity limits the availability of ground water for public water supply from the sites, and therefore the sites are not suitable for significant public water supply development.

No oral or written comments were submitted for the Commissioner's consideration for any of the three sites.

Conclusion:

The applicants, Mr. Michal Webecki on behalf of Rogers Corporation, Mr. Christopher Flynn on behalf of Siemens Energy, Inc., and John A. Senese on behalf of Neal Court, LLC., have demonstrated (Exhibits 2a and 2b, 3, and 4a and 4b) that the areas proposed for reclassification from Class GA to Class GB in Killingly, Manchester and Plainville, respectively, meet the criteria established under RSCA Section 22a-426-7(k)(2)(B). I therefore recommend that the Commissioner grant the requests for lowering the ground water quality classification to Class GB at these three sites.

7/26/16

Date



Corinne R. Fitting
Hearing Officer

DECISION

Having reviewed the hearing officer's report and recommendation, I affirm her findings and conclusions and adopt her recommendation to GRANT the above-referenced application to lower the ground water quality classification from Class GA to Class GB. This change will be incorporated in the Water Quality Classification Maps as new editions are prepared.

8/2/16

Date

Michael Sullivan

Michael Sullivan
Deputy Commissioner

List of Participants

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List of Speakers at the Public Hearing

(None)

List of Exhibits

- Exhibit 1: *RSCA Section 22a-426-7(k)(2)(B)*
- Exhibit 2a: Application for Ground Water Classification Change, Rogers Corporation, Killingly
- Exhibit 2b: Letter to David Griffiths, Killingly Council President
- Exhibit 3: Application for Ground Water Classification Change, Siemens Energy, Manchester
- Exhibit 4a: Application for Ground Water Classification Change, Neal Court LLC, Plainville
- Exhibit 5: Authorization to conduct a public hearing
- Exhibit 6: Public Notice of intent to reclassify ground water at sites in Killingly, Manchester & Plainville
- Exhibit 7: Affidavit of publication of public notice in Norwich Bulletin, Hartford Courant, the Herald on June 13, 2016
- Exhibit 8a: Notification of Proposed Reclassification and Hearing to David Griffiths, Council President, Killingly
- Exhibit 8b: Notification of Proposed Reclassification and Hearing to Robert E. Lee, Town Manager, Plainville
- Exhibit 8c: Notification of Proposed Reclassification and Hearing to Jay Moran, Mayor, Manchester
- Exhibit 9a: Certified letter receipt from David Griffiths, Council President, Killingly
- Exhibit 9b: Certified letter receipt from Robert E. Lee, Town Manager, Plainville
- Exhibit 9c: Certified letter receipt from Jay Moran, Mayor, Manchester
- Exhibit 10: Notes for Public Hearing

