

**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: JUNE 25, 2014**

**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. One application was submitted in accordance with RSCA Section 22a-426-7(k)(2) to lower the ground water quality classification to Class GB at a site located in Danbury, CT. A public hearing was scheduled and noticed in accordance with Section 22a-426 of the General Statutes. After conducting a hearing and considering the evidence presented in the application, 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 application was 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 application, 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 supply<sup>1</sup>;

(ii) lowering of a ground water classification will not prevent attainment of adjacent surface water quality goals<sup>2</sup> or present unacceptable health risks<sup>3</sup>; and

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<sup>1</sup> Criterion No. 1

<sup>2</sup> Criterion No. 2

<sup>3</sup> Criterion No. 3

(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 1981<sup>4</sup>, and the hydrologic conditions of the subject area are not suitable for the development of a significant public water supply<sup>5</sup>... (RSCA 22a-426-7(k)(2)(B), effective October 10, 2013)

### **Findings:**

- 1) One applicant petitioned the Commissioner to lower the ground water classification from Class GA to Class GB (the application is accompanied by detailed maps that precisely identify the area which is the subject of this application): In Danbury, approximately 3 acres between Lake Avenue Extension and Interstate-84, including the properties at 2, 6, 8, 12, and 16 Lake Avenue Extension, and bordering an existing Class GB area to the south.
- 2) On May 21, 2014, in accordance with Section 22a-426 of the General Statutes, the Commissioner published notice in the *Danbury News Times* of a public hearing to receive oral and written testimony on the proposed amendment to the ground water classification at a site in Danbury. The Commissioner also provided notice to the Chief Executive Officer of Danbury, with a copy to the Danbury Health Director.
- 3) A public hearing was conducted on the requested reclassification on June 25, 2014. The applicant 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 June 25, 2014.
- 4) The application received for the Danbury site 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 area are entirely served by public water supplies drawn from outside the area. The applicant used utility maps, billing records and visual surveys to confirm this fact. They also examined local health department records to ensure that no wells are present.

Criterion No. 2 (adjacent surface water goals) and Criterion No. 3 (unacceptable health risks): The application presented results of investigations to determine the level of pollution of ground water at the site. Site remediation activities and time have brought concentrations within the acceptable limits for Class GB areas in accordance with the Site Remediation Standards Regulations. Concentrations of pollutants in the ground water at the site are 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.

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<sup>4</sup> Criterion No. 4

<sup>5</sup> Criterion No. 5

Criterion No. 4 (pollution of ground water as a result of historic development): The applicant provided a reasonable body of ground water monitoring information that indicates that the site's ground water has been degraded. The pollutants present include metals and petroleum products. The application documents 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 site with the documented historic industrial or commercial activities.

Criterion No. 5 (site suitability for a significant public water supply): The site is unsuited for the development of a significant public water supply well due to the nature of the on-site earthen and bedrock materials. Borings and geologic mapping information presented in the application indicate the overburden is thin at the site. Low transmissivity limits the availability of ground water for public water supply from the site, and therefore the site is not suitable for significant public water supply development.

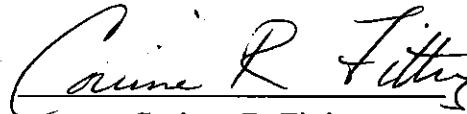
No oral or written comments were submitted for the Commissioner's consideration on the Danbury site.

**Conclusions:**

The applicant, Mr. Jesse Arroyo of the Antea Group, has demonstrated (Exhibits 4a and 4b) that the area in Danbury proposed for reclassification from Class GA to Class GB meets the criteria established under RSCA Section 22a-426-7(k)(2)(B). I therefore recommend that the Commissioner grant the request for lowering the ground water quality classification to Class GB at this site.

6/25/14

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.

7/7/14

Date

*Susan Walker Deputy Commissioner for*

Macky McCleary  
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 2: Authorization to Hold a Public Hearing, signed May 7, 2014

Exhibit 3: Public Notice of the Hearing, published in the *Danbury News Times*, May 21, 2014

Exhibit 4a: Application for Ground Water Classification Change, 12 Lake Avenue Extension, Danbury, Received March 28, 2014

Exhibit 4b: Addendum to the Application for Ground Water Classification Change, Received April 21, 2014

Exhibit 5a: Transmittal of Notice on Proposed Reclassification to Mayor Boughton and Health Director Leroy

Exhibit 5b: (4 Parts) Certified mail form and receipt

Exhibit 6: Notes for Public Hearing

