

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

**THE THIRTY-FOURTH HEARING ON RECLASSIFICATION OF  
GROUND WATER AS PROVIDED FOR IN GW8(B) OF THE GROUND WATER  
QUALITY STANDARDS  
HEARING DATE: JULY 1, 2013**

**Overview:**

Section GW8 of the *Water Quality Standards* of the State of Connecticut 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 section GW8(B) of the *Water Quality Standards* to lower the ground water quality classification to Class GB at a site located in North Haven. 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 classifications from Class GA to Class GB at this site.

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

Paragraph GW8(B) of the *Water Quality Standards* 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 subparagraph GW8(B)(i), which sets out two additional criteria beyond the criteria in paragraph GW8(B). 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: 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>, and that 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

(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>... (*Water Quality Standards, Ground Water Quality Standards, Effective Date, April 12, 1996*)

### **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 North Haven, 135 acres in the vicinity of 100 Kenna Dr, extending south to the vicinity of Corporate Dr and west to the Quinnipiac River and an existing Class GB area.
- 2) On June 3, 2013, in accordance with Section 22a-426 of the General Statutes, the Commissioner published notice in the *New Haven Register* of a public hearing to receive oral and written testimony on the proposed amendment to the ground water classification at a site in North Haven. The Commissioner also provided notice to the Chief Executive Officer of North Haven, with a copy to the North Haven Health Director.
- 3) A public hearing was conducted on the requested reclassification on July 1, 2013. The applicant's consultant 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 1, 2013.
- 4) The application received for the North Haven site provided adequate information to determine that the five criteria required by Paragraph GW8(B)(i) of the Water Quality Standards 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, time, and / or an initial low level of pollution 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

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

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



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 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 are presented in the application indicate the presence of thick, compact silts and clays 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 North Haven site.

**Conclusions:**

The applicant, Mr. Steven Jackson, acting on behalf of Remington Arms Company, LLC, through their consultant, Mr. Frederick Johnson of GEI Consultants, Inc., has demonstrated (Exhibits 4, 5 and 5a) that the area in North Haven proposed for reclassification from Class GA to Class GB meets the criteria established under Paragraph GW8(B) of the *Water Quality Standards*. I therefore recommend that the Commissioner grant the requests for lowering the ground water quality classifications to Class GB at this site.

7/2/13  
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.

7/9/13  
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Date

  
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Macky McCleary  
Deputy Commissioner

**List of Participants**

Frederick Johnson  
GEI Consultants, Inc.,  
455 Winding Brook Drive  
Glastonbury, CT 06033

Michael J. Freda  
First Selectman  
18 Church Street  
North Haven, CT 06473

Brian Conte  
GEI Consultants, Inc.,  
455 Winding Brook Drive  
Glastonbury, CT 06033

Leslie A. Balch  
Quinnipiac Valley Health District  
1151 Hartford Turnpike  
North Haven, CT 06473

Steven Jackson  
Remington Arms Company, LLC  
870 Remington Drive  
Madison, NC 27025-0700

**List of Speakers at the Public Hearing**

(None)

**List of Exhibits**

- Exhibit 1: *Water Quality Standards*, Effective April 12, 1996
- Exhibit 2: Authorization to Hold a Public Hearing, signed May 22, 2013
- Exhibit 3: Public Notice of the Hearing, published in the New Haven Register, June 3, 2013
- Exhibit 4: Application for Ground Water Classification Change, Remington Arms, LLC, North Haven, CT, Received March 8, 2013
- Exhibits 5 and 5a: Revised application and supporting document, Received May 13, 2013
- Exhibits 6 and 6a: Notice and Proof of Delivery to Michael J. Freda, First Selectman of North Haven, CT
- Exhibit 7: Notes for Public Hearing