Thoughts about Aquifer Protection in Ridgefield
August 12, 2019

State-Defined Aquifers

- The DEEP has limited resources and focuses on aquifers providing drinking water to more than 1,000 people. The protection of the smaller aquifers are the responsibility of the municipality. The State requires that the municipality designate an APA and that this agency follow the requirements in their ~300 page manual for any State-defined aquifer. (https://www.ct.gov/deep/lib/deep/aquifer_protection/municipal_manual/deep_aquifer_manual.pdf)


- These regulations are about 28 pages long. They are word for word what was required by the DEEP except they were never updated as required when the State requirements were modified in late 2010. It is our understanding that the basic system was set up, but not implemented. They apply ONLY to the State-defined Oscaleta aquifer (highlighted in yellow on the attached map).

Locally-Defined Aquifers

- In 2010, the Town's locally-defined aquifer protection regulations became effective (Section 6.2 of the zoning regulations, which is four pages long). These regulations are much less than the State requirements for the aquifers that serve more people, but are a good place to start. The map shows the nine locally-defined aquifers (Great Swamp has now been split into north and south). See: https://www.ridgefieldct.org/sites/ridgefieldct/files/uploads/section_6_-_special_zones.pdf

Aquifer Protection Agency (APA) Authority in Ridgefield

- While the Charter Revision Commission (CRC), the BOS, and most importantly, the voters of Ridgefield voted 3:1 to separate the Inland Wetlands Board (IWB) from the Planning and Zoning Commission (PZC), the topic of the APA was not dealt with. Ridgefield's Town Ordinance Section 19-37 states that pursuant to State law, all aquifer protection rights, duties and obligations are assigned to the members of the PZC "in their capacity as the Inlands Wetland Board." We interpret that to mean that now that the two boards are separated, the APA responsibilities should fall to the new IWB.
In a May 1, 2019 letter to the BOS, the Charter Revision Commission states:

“We believe that the newly elected Inland Wetland Board (IWB) should serve as the Aquifer Protection Agency (APA) upon their election in November. As you know, the APA and its functions are not mentioned in the Town Charter, and the issue of the APA was not raised at any time during our discussions, public hearings, or deliberations regarding the separation of the IWB from the Planning & Zoning Commission. The APA is included in Town Ordinance 19-37 which states that “pursuant to Public Act No. 89-305, § 8, all aquifer protection rights, duties, and obligations as set forth in Public Act No. 89-305 are herewith assigned to the members of the Planning and Zoning Commission in their capacity as the Inland Wetlands Board” (emphasis added). Based on that language alone, it seems clear that the APA responsibilities and duties should stay with the IWB upon its election in November.”

Technical Skill Sets

To close with quotes from the Municipal Manual cited above:

- “In order for an Aquifer Protection Agency to be effective, they must be knowledgeable about the natural resource they are protecting. A good understanding of the basic concepts of groundwater and how it can become contaminated will provide the Agency the information needed to make important land use decisions as they implement the Aquifer Protection Area Program.”

- “Since this program involves regulating land use activities as well as pollution controls, towns may consider appointing the Planning and Zoning, the Inland Wetlands, the Conservation Commission, or the Water Pollution Control Authority as the Aquifer Protection Agency.”

In Conclusion

- To avoid any jurisdictional dispute, and consistent with the spirit and intent of the 2018 Charter Revision, the Conservation Commission believes that the BOS should amend Section 19-37 to specify that all aquifer protection responsibilities be conferred on the members of the IWB.

- The technical skill sets that will deal with inland wetlands and aquifer protection are closely related and thus the APA authority should remain with the newly elected Inland Wetland Board.

- The Conservation Commission believes that all aquifer protection regulations, both state- and locally defined, should fall under one comprehensive ordinance under the auspices of one agency – the APA should make the final determination regarding aquifer protection, whether or not an aquifer is state- or locally-defined.