

**FLETCHER PAINT SUPERFUND SITE
GROUNDWATER MANAGEMENT ZONE**

Adopted 4-9-18 by the Town of Milford Board of Selectmen (hereafter "Board")

I. AUTHORITY AND PURPOSE

Pursuant to RSA 147:1, Local Regulations, the Board adopts a Groundwater Management Zone in consultation with the United States Environmental Protection Agency (US-EPA) and New Hampshire Department of Environmental Services (NH-DES) to be entitled, "Fletcher Paint Superfund Site Groundwater Management Zone" (FS-GMZ).

Objectives of the Fletcher Paint Superfund Site Groundwater Management Zone are:

- A. To prevent use of groundwater drawn from within a designated Federal Superfund site, as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 960 I et seq., until the cleanup goals required under CERCLA decision documents for the Fletcher Paint Superfund Site are achieved.
- B. To protect the public health and safety of the residents of Milford in the vicinity of the Fletcher Paint Superfund Site by preventing the possible spread of contaminated water from groundwater to drinking water.

II. ZONE BOUNDARIES

The FS-GMZ is superimposed over the existing underlying zoning districts and is comprised of thirty-six (36) parcels, those being shown on plan entitled "Fletcher Groundwater Management Zone / Town Ordinance Area", dated February 2018 and shall extend to any newly-created lot and map numbers created as a result of a legal subdivision within the defined area. The extent of the boundary of the FS-GMZ shall be reviewed no less frequently than every five years and possibly with greater frequency depending on the results of testing. Subsequent to such review, lots may be removed from or added to the FS-GMZ after consultation with US-EPA and NH-DES.

When the actual boundary of the FS-GMZ is in dispute by any owner or abutter affected by said boundary, the Town will engage, at the owner or abutter's expense, a professional geologist or hydro geologist to determine more accurately the precise boundary of the Zone. The Town shall consult with the US-EPA and NH-DES, before any modification of the Groundwater Management Zone is made.

III. PROHIBITED USES

- A. Additional to the prohibited uses of the underlying zoning district in which the FS-GMZ is located, all use of groundwater for any purpose whatsoever in this district is prohibited without prior approval from the Town, US-EPA and the NH-DES. No wells of any nature whatsoever shall be dug, installed, or otherwise created within the district without prior approval from the Town, US-EPA and the NH-DES. No groundwater shall be drawn by any means whatsoever or for any use whatsoever from within the Zone without prior approval from the Town, US-EPA and the NH-DES.
- B. No disturbance of wetlands within the FS-GMZ shall be permitted without prior approval from the Town, US-EPA and the NH-DES.

- C. These restrictions do not apply to US-EPA and NH-DES activities authorized under CERCLA or associated with remedial activities at other contaminated sites within the GMZ.
- D. Nothing in this regulation shall prohibit a property owner from developing property within the FS-GMZ provided that any development proposal requiring on-site water shall demonstrate the ability to connect to town water or other acceptable off-site water supply at the applicant's expense.
- E. Temporary dewatering activities for construction or maintenance activities within the FS-GMZ are permissible with prior approval by the Town and US-EPA/NH-DES.

IV. ADMINISTRATION

- A. The provisions of the FS-GMZ shall be administered by the Board acting through the Health Officer.
- B. Any element of this ordinance may be waived by the Board and US-EPA and NH-DES, provided that the granting of such waiver does not adversely affect any adjoining property.
- C. The Town shall conduct annual review of FS-GMZ property transfers and provide notice of the ordinance to new property owners.

V. ENFORCEMENT

The Board shall be responsible for enforcement of the provisions of the FS-GMZ and may pursue all legal and equitable remedies to ensure compliance with this ordinance.

VI. EFFECTIVE DATE

This Article shall become effective upon passage.

The FS-GMZ shall remain in effect until the cleanup goals required under CERCLA decision documents for the Fletcher Superfund Site are achieved. The Town shall consult with the US-EPA and NH-DES before modifying or terminating the FS-GMZ.

Adopted April 9, 2018



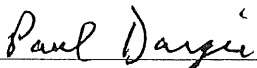
Kevin Federico, Chairman, Board of Selectmen



Gary Daniels, Vice Chair, Selectmen



Laura Dudziak, Selectwoman



Paul Dargie, Selectmen