

**SAVAGE MUNICIPAL WATER SUPPLY SUPERFUND SITE  
GROUNDWATER MANAGEMENT ZONE**

Adopted 9/27/21 by the Town of Milford (“Town”) Board of Selectmen (hereafter “Board”).

**I. AUTHORITY AND PURPOSE**

Pursuant to RSA 147:1, Local Regulations, and RSA 31:39, Power to Make Bylaws, 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, “Savage Municipal Water Supply Superfund Site Groundwater Management Zone” (SMWS-GMZ).

Objectives of the SMWS-GMZ 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. § 9601 *et seq.*, until the cleanup goals required under CERCLA decision documents for the Savage Municipal Water Supply Superfund Site are achieved.
- B. To protect the public health and safety of the residents of Milford in the vicinity of the Savage Municipal Water Supply Superfund Site by preventing the possible use of contaminated groundwater as drinking water.

**II. ZONE BOUNDARIES**

- A. The SMWS-GMZ is superimposed over the existing underlying zoning districts and comprises of twenty-eight (28) parcels, those being shown on a plan entitled “Savage Municipal Water Supply Groundwater Management Zone / Town Ordinance Area”, dated 7 /20 /21, and shall extend to any newly-created lot and map numbers created as a result of a legal subdivision or other change of the designated parcels within the defined area. The extent of the boundary of the SMWS-GMZ shall be reviewed as necessary based on the results of sampling but no less frequently than every five years. Subsequent to such review, lots may be removed from or added to the SMWS-GMZ after consultation with US-EPA and NH-DES.
- B. When the actual boundary of the SMWS-GMZ is in dispute by any owner or abutter affected by such boundary, the Town will engage, at the owner or abutter's expense, a professional geologist or hydrogeologist to determine more accurately the precise boundary of the SMWS-GMZ. The Town shall consult with the US-EPA and NH-DES, before making any modification to the SMWS-GMZ.

### **III. PROHIBITED USES**

- A. Additional to the prohibited uses of the underlying zoning district in which the SMWS-GMZ is located, all use of groundwater for any purpose whatsoever in this district is prohibited without prior written 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 written approval from the Town, US-EPA and the NH-DES. No groundwater shall be drawn or captured by any means whatsoever or for any use whatsoever from within the Zone without prior written approval from the Town, US-EPA and the NH-DES.
- B. No disturbance of wetlands within the SMWS-GMZ shall be permitted except in accordance with applicable local, state, and federal laws and regulations.
- C. These restrictions do not apply to activities authorized under CERCLA for the Savage Municipal Water Supply Superfund Site within the GMZ, undertaken by US-EPA, NH-DES, and Settling Defendants under the Consent Decree executed by Hitchiner Manufacturing Company, Hendrix Wire & Cable, US-EPA and the State of New Hampshire in February 1994 and approved by the United States District Court for the District of New Hampshire in or about May 1994, Civil Action No. 94-174-JD.
- D. Nothing in this regulation shall prohibit a property owner from developing property within the SMWS-GMZ, provided that any development proposal requiring on-site water shall demonstrate the ability to connect to town water or another acceptable water supply located outside of the boundaries of the SMWS-GMZ at the applicant's expense.
- E. Temporary dewatering activities for construction or maintenance activities within the SMWS-GMZ are permissible with prior written approval by the Town, US-EPA, and NH-DES.

### **IV. ADMINISTRATION**

- A. The provisions of the SMWS-GMZ shall be administered by the Board acting through the Code Enforcement or Health Officer.
- B. Any element of this ordinance may be waived upon application to, and written approval by the Board, US-EPA, and NH-DES, provided that the granting of such waiver does not adversely affect any adjoining property or the performance of the remedy in the groundwater.
- C. The Town shall conduct annual review of SMWS-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 SMWS-GMZ and may pursue all legal and equitable remedies to ensure compliance with this ordinance.

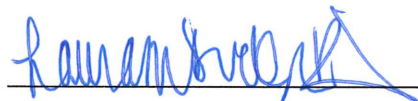
**VI. EFFECTIVE DATE**


This Article shall become effective upon passage.

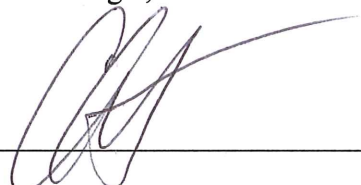
The SMWS-GMZ shall remain in effect until the cleanup goals required under CERCLA decision documents for the Savage Municipal Water Supply Superfund Site are achieved. Except for any modifications allowed by the ordinance, the Town shall consult with the US-EPA and NH-DES before modifying or terminating the SMWS-GMZ.


Adopted 9/27/21.

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Gary Daniels, Chairman

  
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Laura Dudziak, Member

  
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Paul Dargie, *member*  
Paul Dargie, ~~Vice Chairman~~

  
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Christopher Labonte, ~~Member~~  
*vice chair*

  
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David Freel, Member

