

To: The Zoning Board of Appeals
Town Administrator
Matlin, L.L.C. c/o Sealund Corp.

January 25, 2024

The attached Marshfield Municipal Code voted in as bylaw in the Fall STM in 2021 and approved by the Attorney General on June 30, 2022.

This Code was originally initiated when Verizon Corporation, operating under permissions granted under Mass. General Law Chapter 166 Section 22, in August 2019 utilized a contractor, Osmose LLC to apply pesticide to its utility poles in Town. This included poles located in the Zone 1 of several Town well sites. The Town received no notification of the activity before it commenced nor during the pesticide application. The Board of Public Works, as Water Commissioners, working through the DPW Superintendent and Water Supervisor is responsible under Mass. Department of Environmental Protection (DEP) Guidelines for controlling activities in the wells Zone 1s. In the absence of DEP and/or Department of Telecommunication and Cable requirements for notice to be provided to the Town of such activities, the BPW put the initial Municipal Code 285-19.1 (By Law 94) before ST and it was approved.

In 2021 the MDEP initiated required testing for PFAS compounds by public water suppliers and the Marshfield Water Department received the results of its initial tests that April. As the media reports of Towns with PFAS contamination levels in excess of regulatory began and the cost to remove the PFAS were published. The BPW had discussions on how to avoid the cost of installing PFAS removal equipment. Past experience of prior Boards in the mid 1980s with the Anton's VOC contamination of the Furnace Brook aquifer had confirmed that excluding contaminants was less costly over the long run.

The revision of Code 285-19.1 was the Board's response by requiring entities doing work in Zone one and two to not use PFAS materials or take steps to exclude them from getting into the soil. It was focused at the time on a known proposal to install PV solar panels system for generating electricity in the Furnace Brook aquifer. The BPW had control and custody of this land to exclude contamination and opposed the PV installation as it would have introduced PFAS. The Building Commissioner not being named for notification is further proof that this is not focused on preventing construction of a 40 B.

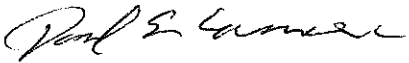
This Code is applicable to any construction or maintenance activity in zone 2, be it individual construction activities or large projects. It is written to prevent or mitigate PFAS contamination. It is not written to regulate discharge of PFAS from septic systems as there is currently no standards for PFAS discharge from Septic systems.

The potential for such limitations in septic effluent will depend on the development of such standards. Especially in light of the proposed USEPA limit of 4 Parts Per Trillion for PFOS, PFOA and the so called GENX PFAS

The history describe above makes it clear that this Code is not targeted to exclude construction of a Forty B development or any other construction in Zone 2. The Code exists to give the BPW, DPW and Water Division the ability to fulfill their fiduciary responsibility to protect the Town Drinking Water resources.

Respectfully Submitted,

David E. Carriere 34 Outlook Rd.

A handwritten signature in cursive script, appearing to read "David E. Carriere".

*Town of Marshfield, MA
Tuesday, January 23, 2024*

Chapter 285. Water

Article III. Water Restrictions

§ 285-19.1. Notice to Town; certain work prohibited within Zone 1.

[Added 11-18-2019 STM by Art. 16; amended 10-18-2021 STM by Art. 10]

The Town Department of Public Works Superintendent, Water Division Supervisor, and Town Engineer shall be contacted by any entity seeking to perform any maintenance or construction activity within or adjacent to the 400-foot radius of any Town well, the so-called "wellhead protection zone" also commonly referred to as Zone 1 the area of immediate recharge and also in the water resource protection recharge area referred to as Zone 2. Entities performing any activities in Zone 1 or Zone 2 of the Town aquifers are also required to provide the Superintendent, Water Division Supervisor, Town Engineer and Board of Health a complete list of substances that contain the chemicals or other products containing Polyflouroalkyl Substances aka PFAS (includes PFOA, PFOS, GenX and other such chemicals) to be used. The list shall show the PFAS content as a % by volume or mass. Entities shall show cause as to why products or chemicals without PFAS cannot be used for the work. Entities that perform work where the use of PFAS cannot be avoided shall submit work plans to the Superintendent, Water Division Supervisor, Town Engineer, Planning Board and Board of Health that show how physical barriers, capture methods and/or other actions will be implemented to prevent PFAS from entering the soils and ground water of Zones 1 and 2. These activities shall include but are not limited to new construction, pole replacement, relocation, pole pesticide treatment, transformer repair, maintenance of underground services, fuel supply maintenance, construction and maintenance activities of any kind. This bylaw will not apply to Water Division activities including those by the Divisions contractors, or other Town departments performing work for the Water Division, as the above requirements will be stipulated in all bidding and contractual documents.