

ARTICLE 209:
GROUNDWATER MANAGEMENT ZONE
(Adopted March 13, 2012; Amended 03/14/2023)

209.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:21, Innovative Land Use Controls, the Town of Kingston (the Town) hereby 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).

Objectives of the 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. § 9601 *et seq.*, until the cleanup goals required under CERCLA decision documents for the Ottati & Goss Superfund Site are achieved.
- B. To protect the public health and general welfare of the citizens of Kingston.

209.2 ZONE BOUNDARIES

The Groundwater Management Zone is superimposed over the existing underlying zoning districts and is comprised of three specific lots, those being Tax Map R10, Lot 1; Tax Map R13, Lot 14; and that portion of Tax Map R13, Lot 16 which is located south of North Brook, so called. The specific Zone is shown on a Plan entitled, "Ottati & Goss Superfund Site, Kingston, New Hampshire – Proposed Boundary for O & G Groundwater Management Zone," (Attachment A).

When the actual boundary of the Groundwater Management Zone 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.

209.3 PROHIBITED USES

Additional to the prohibited uses of the underlying zoning district in which the Groundwater Management Zone is located, all use of groundwater for any purpose whatsoever in this district is not allowed 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 .

No disturbance of wetlands within the Groundwater Management Zone shall be permitted without prior approval from the Town, US EPA and the NH DES.

These restrictions do not apply to US EPA and NH DES activities authorized under CERCLA.

209.4 ADMINISTRATION

The provisions of the Groundwater Management District shall be administered:

- A. By the Planning Board for subdivision, site plan review and/or conditional use approval, and
- B. By the Zoning Board of Adjustment for applications for appeal, and
- C. By the Health Officer for applications to drill wells, and
- D. By the Building Inspector for applications to construct, and
- E. By the Conservation Commission for applications to disturb wetlands.

Any variances given to the provisions of the Groundwater Management District shall be forwarded to the US EPA and NH DES.

209.5 ENFORCEMENT

Please refer to Section A – 1000.003.002 of this ordinance. (Amended 03/14/2023)

209.6 EFFECTIVE DATE

This Article shall become effective upon passage.

The Groundwater Management District shall remain in effect until the cleanup goals required under CERCLA decision documents for the Ottati & Goss Superfund Site are achieved. The Town shall consult with the US EPA and NH DES before modifying or terminating the Groundwater Management District.