

**ORDER ESTABLISHING
THE DEVENS REGIONAL ENTERPRISE ZONE
PRIVATE WELL AND GROUND WATER
TEMPORARY MORATORIUM**

1.0 Promulgation of Moratorium

This Order Establishing the Devens Regional Enterprise Zone Private Well and Ground Water Temporary Moratorium (Order) is promulgated by the Devens Enterprise Commission (DEC) in its role as the Board of Health for the Devens Regional Enterprise Zone (Devens), Massachusetts. The DEC is charged with protecting the public health at Devens (see generally St. 1993, c. 498, §11 and Chapter II Section C of the By-Laws). The DEC recognizes that certain areas of the groundwater aquifer beneath Devens have been or may become contaminated by Per- and polyfluoroalkyl substances (PFAS) and other contaminants. Exposure to groundwater contaminated with PFAS and other contaminants through direct ingestion, dermal contact, inhalation by showering or washing, and irrigation may pose unacceptable public health risks to Devens' residents and others. As an example, and not as a limitation, pumping or removing by any means ground water may result in spreading contaminated water onto sites where such wells or the withdrawal of ground water are in operation. Even using untreated groundwater for gardening and landscape watering presents a potential health risk.

Devens Utility Department has installed water treatment technologies which treat municipal water to meet all state and federal regulations. Municipal water is available throughout the developed areas of Devens. All properties needing water within Devens are required to be connected to the Devens public water supply.

This Order is intended to promote the public health and general welfare by regulating and prohibiting the private use and withdrawal of ground water within Devens. This Order is adopted pursuant to the authority of G. L. c. 111, sections 30, 31, 122 and any other applicable law, rule or regulation.

2.0 Order

In order to prevent and/or minimize any harmful exposure to contaminated groundwater and further migration of any contaminated groundwater, the DEC establishes this Order on private wells and use of groundwater.

Except for investigation, monitoring, sampling, or other remediation-related activities, , no person (which term shall include but not be limited to an entity, individual, corporation, company, association, trust or partnership or the like) may drill, dig, or otherwise develop any new private well or water withdrawal system for any purpose, including, but not limited to, potable, irrigation, commercial/industrial production, or agricultural (such as lawn watering, gardening, livestock watering, or irrigation of crop land). No person may create, use, or change the use of an existing well or water removal process from non-potable to potable, within Devens.

This moratorium also applies to new or replacement wells and other methods of withdrawing water from the ground utilized by those currently connected to the public water supply.

3.0 Severability

If any provision of this Order or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision, and the remainder of the Order shall remain valid and effective.

4.0 Effective date and expiration

This Order was adopted by unanimous vote of the DEC members present at their regularly scheduled meeting held on _____, and is to be in full force and effect on and after _____. Unless terminated sooner, this Order shall remain in effect until the DEC has determined that it is safe to use ground water for the purposes which are prohibited by this regulation.

5.0 Disclaimer

Nothing contained herein nor any act or lack of act by the DEC shall be construed as a guarantee by the DEC or its agents that the Devens municipal water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use, nor shall it be construed to be an explicit and specific assurances of safety or assistance.

DEVENS ENTERPRISE COMMISSION