

Resolution: 2023-002

Introduced By: Councilor Jesse Gordon  
September 18, 2023

**RESOLUTION CONCERNING**  
**CONSERVATION COMMISSION REVIEW OF PFAS**

WHEREAS, pursuant to the Town of Randolph Wetlands Ordinance, which is Chapter 196 of the Town Ordinances, and the Wetlands Protection Act (MGL c. 131, § 40; the Act), the Randolph Conservation Commission is entrusted and empowered to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Randolph by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including water quality, prevention and control of pollution, fisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community; and

WHEREAS, as part of that process, the Conservation Commission reviews proposed work or projects that will affect Town wetlands and waterways: and

WHEREAS, as part of that review, the Conservation Commission is charged with reviewing water quality, prevention and control of pollution, including pollution that affects public or private water supplies; and

WHEREAS, the Conservation Commission has the authority to require applicants to submit such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by the Wetlands Ordinance; and

WHEREAS, the Conservation Commission has the authority to impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects; and

WHEREAS, when approving a permit request, the Conservation Commission shall, pursuant to the Wetlands Ordinance and the Act, impose conditions which the Commission deems necessary or desirable to protect resource area values, and all activities shall be conducted in accordance with those conditions; and

WHEREAS, Per- and Polyfluoroalkyl Substances (PFAS) are emerging contaminants; and

WHEREAS, the Conservation Commission application forms and policies and procedures were developed prior to a public awareness of the potential harms of such contaminants; and

WHEREAS, the people of Randolph desire to reduce the amount of PFAS entering our reservoir, by identifying and removing PFAS sources upstream:

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Randolph supports the Conservation Commission taking the following actions:

1. That the Conservation Commission amend its application materials to require that information be provided on known PFAS levels at the site of any proposed work or project, and that testing for PFAS be done on any surface waters on the site.
2. That the Conservation Commission impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts on any project where there is an indication of the presence of PFAS on site, so that a report can be generated for the Conservation Commission concerning PFAS presence at the site and possible sources of said PFAS. Said report would include information on soil and water testing conducted by certified PFAS testing labs.
3. That the Conservation Commission include conditions, where appropriate, in permits for sites where PFAS is present that require ongoing monitoring and testing for PFAS in surface waters and soils.
4. That the Conservation Commission include conditions, where appropriate, in permits for sites where PFAS is present, concerning remediation of PFAS, including insurance for such remediation and any downstream damages, where appropriate.