



**Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services**



P.O. Box 1025, State Road, Stow, MA 01775
Phone: 978-567-3100 Fax: 978-567-3199
www.mass.gov/dfs

FP-294
0693
6/16

MARINE FUELING FACILITY PERMIT

In accordance with the provision of Chapter 148, Massachusetts General Law and as provided in 527 Code of Massachusetts Regulation 1.00: Section 42.9 Marine Fueling, this permit is granted to:

Menemsha Texaco Service, Inc.
60 Basin Road
P.O. Box 270
Chilmark MA 02535

Permit: MF-004202
Facility Type: Fixed
Expiration Date: 12/31/2018

YEAR ROUND: Y

Seasonal facilities are only permitted to operate between the dates listed below:

To change the seasonal status of this permit, contact the Department of Fire Services and the local fire department.

SEASONAL: N FROM: TO:

PERMISSION TO DISPENSE

CLASS I: Y CLASS II: Y CLASS III: N

AT THE MARINE FUELING FACILITIES LISTED:

60 Basin Road, Chilmark, MA

THE FOLLOWING INDIVIDUALS ARE DESIGNATED AS FUELING FACILITY OPERATION SUPERVISORS:

Katherine L. Carroll
Marshall E. Carroll III

THE FOLLOWING RESTRICTIONS APPLY:

This permit is granted upon the express condition that all other applicable authorizations have been secured prior to the commencement of any activity authorized pursuant to this permit. Failure to comply with the standards and recommendations set forth by the State Fire Marshal and the Board of Fire Prevention Regulations may be considered sufficient reason to rescind this approval. This approval is granted on the condition that it may be summarily revoked or suspended for cause. (MGL C7 S. 3B, as amended)

This permit, or a photostatic copy thereof, MUST be conspicuously posted in a protected place on the facility for which it is granted.

State Fire Marshal

*The Commonwealth of Massachusetts
Department of Environmental Protection*

UST Class A/B Operator Certificate

Issued to

Marshall Carroll
for

Successfully passing the Class A/B Underground Storage Tank (UST) Operator Examination on 08/03/2012 thus demonstrating general knowledge and understanding of UST systems and applicable requirements under the Massachusetts Underground Storage Tank regulations at 310 CMR 80.00

76030

Certificate #

Steven A. DeGabriele

Steven DeGabriele,
Division Director



The Commonwealth of Massachusetts

Department of Revenue

Underground Storage Tank Program

100 Cambridge Street, 7th Floor

Boston, Massachusetts 02114

Tel. (617) 626-2600

**CERTIFICATE OF COMPLIANCE
FOR PETROLEUM DISPENSING FACILITIES**

Date Issued: 03/19/2014

Date Expires: 03/19/2019

Certificate of Compliance Number: 4000

MENEMSHA TEXACO SERVICE INC

Facility Name (Corporation, Individual, or Other Entity)

MENEMSHA TEXACO SERVICE INC

Owner at Time of Certification

60 BASIN RD

Street Address of UST Facility

CHILMARK, MA 02535

City, State, and Zip Code

Issued By: _____

Gordon H. Bullard, Executive Director

This Certificate of Compliance is granted in accordance with the provisions of M.G.L., Chapter 21J. The 21J Fund is approved by the EPA as a state assurance mechanism for demonstrating Financial Responsibility that meets the provisions of 527 CMR 9.07 (N). The maximum reimbursement for eligible costs incurred as a result of releases of petroleum products from UST systems is defined in 503 CMR 2.16 and is summarized as follows: \$1.5 million for an Owner or Operator dispensing petroleum products to the public or dispensing more than an average of 10,000 gallons of petroleum products per month based on an annual throughput; or \$500,000 for an Owner or Operator not dispensing petroleum products to the public and dispensing less than an average of 10,000 gallons per month based on the annual throughput. The UST Facility identified herein is presumed by the Department of Revenue to have met the full regulatory compliance requirements of 503 CMR 2.00, and as such, is presumed to be eligible to use the 21J Fund as a mechanism of Financial Responsibility. This presumption of compliance is rebuttable. Issuance of this Certificate of Compliance is conditional upon the above identified UST Facility maintaining a valid FP-290 and all other requirements set forth in 503 CMR 2.00, 503 CMR 4.00, 527 CMR 5.00, CMR 9.00, and CMR 15.00.

This Certificate Must Be Posted or Available on the Facility Premises.

From: Andy Goldman andrewagoldman@gmail.com
Subject: Re: Summer 2018
Date: Jul 18, 2018 at 7:12:52 AM
To: Menemsha Texaco menemshatexaco@comcast.net

Marshall,

Thanks for your note. I assure you I see no disrespect in it.

I think Jim Malkin's note to you spoke to general principles, not the specifics of the report itself. At any rate we can continue whatever discussion is helpful in this regard at our next Park and Rec meeting in the fall.

If I can be of any help in this or other matters of concern to you please let me know.

Best wishes,

Andy

On Jul 17, 2018, at 7:22 PM, Menemsha Texaco
<menemshatexaco@comcast.net> wrote:

Dear Andy,

Thank you for taking time out of your summer schedule to talk with me. I am addressing this to you because you are my landlord. I did eventually receive a copy of the incident report that you brought to my attention. There are a few points that are not referenced in the report that I would consider important. One point is that the boat was moored in a location that has a water source prior to it coming to the fuel dock, and no prior communication to the fuel dock attendant was made.

We strive to make Menemsha a safe and welcoming place and in doing so we run the fuel dock in accordance with Massachusetts regulations referenced on our annual Marine Fueling Permit issued by the State Fire Marshal at the Department of Fire Services.

These regulations state in order to minimize exposure no vessel shall be made

fast to or berthed at any marine wharf used for the transfer of fuel except during fueling operations. There are many other state regulations that we follow and many but not all can be found in MGL 527 CMR 15.

The other guideline we use are the "Chilmark Waterways Rules & Regulations" as approved by the selectman and the Harbormaster on October 21st 2008.

In the these regulations under section VI C. vessels seeking water can fill their tanks between 9am and 3pm on the commercial bulkhead. This was set up so not to disrupt the commercial activity of the harbor.

I hope you can understand that I do not want and I am not allowed to have shared use of the fuel dock. Shared use would put me in direct conflict of the regulations and not to mention the increase of exposure to my liability insurance it would have.

I mean no disrespect in this communication, please do not take any. I am looking forward to our Parks and Recreation meetings this fall to discuss the season.

Yours,
Marshall

Sent from my iPhone

From: Menemsha Texaco menemshatexaco@comcast.net
Subject: Summer 2018
Date: Jul 17, 2018 at 7:22:19 PM
To: Andy Goldman andrewagoldman@gmail.com

Dear Andy,

Thank you for taking time out of your summer schedule to talk with me. I am addressing this to you because you are my landlord. I did eventually receive a copy of the incident report that you brought to my attention. There are a few points that are not referenced in the report that I would consider important. One point is that the boat was moored in a location that has a water source prior to it coming to the fuel dock, and no prior communication to the fuel dock attendant was made.

We strive to make Menemsha a safe and welcoming place and in doing so we run the fuel dock in accordance with Massachusetts regulations referenced on our annual Marine Fueling Permit issued by the State Fire Marshal at the Department of Fire Services.

These regulations state in order to minimize exposure no vessel shall be made fast to or berthed at any marine wharf used for the transfer of fuel except during fueling operations. There are many other state regulations that we follow and many but not all can be found in MGL 527 CMR 15.

The other guideline we use are the "Chilmark Waterways Rules & Regulations" as approved by the selectman and the Harbormaster on October 21st 2008.

In these regulations under section VI C. vessels seeking water can fill their tanks between 9am and 3pm on the commercial bulkhead. This was set up so not to disrupt the commercial activity of the harbor.

I hope you can understand that I do not want and I am not allowed to have shared use of the fuel dock. Shared use would put me in direct conflict of the regulations and not to mention the increase of exposure to my liability insurance it would have.

I mean no disrespect in this communication, please do not take any. I am looking forward to our Parks and Recreation meetings this fall to discuss the

UNOFFICIAL
Massachusetts Amendments to NFPA ®1, 2015

42.9.4.1.1. Add

42.9.4.1.1 Said hose shall be a rubber like material resistant to petroleum products and petroleum product, containing a continuous static ground, not exceeding 30' in length. Where hose length at a marine fueling facility exceeds 30' the hose shall be secured by a hose retrieving mechanism so as to protect it from damage.

42.9.4.8 through 42.4.8.2. Add

42.9.4.8 If a remote pumping system is used, a labeled or listed rigidly anchored emergency shut-off valve incorporating a fusible link or other thermally actuated device, designed to close automatically in event of fire exposure or severe impact, shall be installed in accordance with the manufacturer's instructions in the flammable or combustible liquid supply line at the base of each individual dispenser or at the inlet of each overhead dispenser.

42.9.4.8.1 The automatic closing feature of this valve shall be checked at least once a month by manually tripping the hold-open linkage.

42.9.4.8.2 An emergency shut-off valve incorporating a slip-joint feature shall not be used.

42.9.4.9. Add

42.9.4.9 The fueling facility shall be located so as to minimize exposure to all other operational marina or pleasure boat berthing area facilities. Where tide and weather conditions permit, all flammable and combustible liquid fuel handling shall be outside the main berthing area. Inside marina or pleasure boat berthing area, fueling facilities shall be so located that in case of fire aboard a boat alongside, the danger to other boats near the facility will be minimal. No vessel or craft shall be made fast to or berthed at any marine wharf, except during fueling operations, and no vessel or craft shall be made fast to any other vessel or craft occupying a berth at a marine wharf, or other fueling facility.

42.9.4.10. Add

42.9.4.10 Fueling of floating marine craft at other than a fueling facility is prohibited except by prior written authorization by the AHJ.

42.9.7.4 through 42.9.7.4.1. Add

42.9.7.4 All marine fueling facilities shall provide roadways to provide for adequate access for emergency vehicles, including fire apparatus to within 150 feet (45m) or less travel distance to the shore end of the marine wharf.

42.9.7.4.1 When approved by the Head of the Fire Department, a manual standpipe system shall be permitted to be installed along marine wharfs when conditions are such that providing fire

Purpose: To provide Transient Boat dockage for vessels 50' or less.

C. Commercial Fishing Bulkhead

Description: Bulkhead South of Fuel Dock.

Purpose: To accommodate commercial fishing boats only.

1. No docking in loading zones ("yellow sections") between the two fish markets, except while actually engaged in unloading between the hours of 6am to 9pm, or Transient Boats filling water tanks between 9am and 3pm only, or as arranged by the Harbormaster.
2. Commercial fishing vessels may tie up to the commercial bulkhead south of the fuel dock without charge, provided they are owned by "Commercial Fisherman" as defined by the Board of Selectmen.
3. Commercial fishing equipment shall be kept off the dock except for no more than two fish storage boxes per commercial boat during periods of limited permissible fishing when there is no fish buyer in the harbor.
4. Boats must be actively fishing and leave the harbor regularly.

D. East Side of Filled Dock

Description: 14 slips along East side of Filled Dock.

Purpose: To accommodate vessels of Chilmark homeowners or Year Round Residents.

Beginning in 2006, Boats occupying these slips must be less than 45 feet LOA unless the particular boat occupied said slip prior to 2006.

E. Commercial Dock

Description: 7 slips on the dock along east side of the Causeway to Filled Dock.

Purpose: To accommodate commercial fishing and lobster boats of Year Round Residents.

F. Small Boat Floating Dock

Description: 17 slips to the East of the Causeway to the Filled Dock.

Purpose: To accommodate other boats owned by Year Round Residents.

G. Commercial Channel Dock

Description: 150 feet along the West side of the Filled Dock and the North end of the Filled Dock.

Purpose: To accommodate the loading/unloading and maintenance of commercial fishing vessels and gear, repair of gear and temporary tie-ups. Space may be used at the discretion of the Harbormaster for Boats up to 75' LOA if not needed for fishermen or fish buyers.

H. Channel Dock

Description: 190 feet on the west side of the Causeway with along side tie-ups.

Purpose: To accommodate other local boats up to 30 feet LOA owned by Chilmark homeowners or Year Round Residents.

I. Charter Dock Area

Description: 4 Slips in the Southeast corner of Menemsha Basin.

Purpose: To provide dockage for Charter Fisherman who reside in the Town.

J. South East Small Boat Dockage

Description: Dockage for small boats behind the Charter Dock.

Purpose: To provide additional small boat dockage for Year Round Residents

K. Floating Docks alongside Transient Boat Dock

Description: Floating docks accessed from the end of the Transient Boat Dock

Purpose: To provide dockage for transient boat dinghies and for boats less than 18' in length that are owned, registered and operated by a dependant of a Year Round resident who is 18 years old or younger.

VII. GENERAL REGULATIONS FOR MENEMSHA BASIN

- A. The Harbormaster assigns all slips as appropriate to the vessel. Annual slip leases and rent must be returned to the Harbormaster by 5 PM on January 15* to obtain or renew a slip lease.

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

15.02: continued

Fueling Facility Operations Supervisor, any responsible employee 18 years of age or older, that the fueling facility permit holder attests to be competent in the handling of flammable or combustible liquids and to be familiar with and to understand the contents of 527 CMR 15.00, and who is fully aware of the operation, mechanics and hazards inherent to the handling of flammable or combustible liquids and the fueling of vessels.

Fuel Vessel, any regulated boat or vessel especially constructed or converted to be used for the keeping, handling and transportation of flammable or combustible liquids and the disposition of crude petroleum or any of its products.

Harbor Master, any individual including assistant harbor masters appointed in accordance with the provisions of M.G.L. c. 102.

Inspector, any inspector or police officer of the Department of Public Safety or any person to whom the Marshal or the head of the Fire Department may delegate authority under M.G.L. c. 148.

Labeled, equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the Marshal, and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

Listed, equipment or materials included in a list published by an organization acceptable to the Marshal, and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that equipment or materials meet appropriate standards or have been tested and found suitable for use in a specific manner.

Marine Wharf, any bulkhead, pier, wharf, dock or other structure and their appurtenances built along, abutting, over or contiguous to navigable waters or other water and used for the transfer of flammable or combustible liquids.

Marina or Pleasure Boat Berthing Area, any sheltered water area in a harbor provided with moorings, floats, and buoys for boats yachts and power marine craft including those places assigned to a vessel in port when anchored or laying alongside a pier or wharf.

Marshal, the State Fire Marshal.

Mobile Fuel Facility, Any tank truck or tractor and tank semi-trailer combination equipped with a cargo tank mounted thereon or built as an integral part thereof, used for the transportation of flammable or combustible liquids upon the highways, and functioning as a fueling facility.

Safety Can, a container of five gallons capacity or less having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure, and constructed and tested in accordance with either Underwriters Laboratories (UL) Standard 30 or Factory Mutual (FM) Standard 6051/6052, for the storage and handling of small quantities of flammable or combustible liquids. Safety cans must comply with 527 CMR 10.05.

Vessel, every description of watercraft used or capable of being used as a means of transportation.

15.03: Storage

(1) The provisions of 527 CMR 9.00, shall be complied with in so much as said provision do not conflict with the provisions of 527 CMR 15.00.

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

15.09: continued

- (a) All electrical equipment installed and used must be in accordance with the Massachusetts Electrical Code as it applies to Wet, Damp, and Hazardous Locations.
- (b) Clearly identified emergency switches readily accessible in case of fire or physical damage at any dispensing unit shall be provided on each marine wharf so interlocked as to shut off power to all pump motors from any individual location and to reset only from the master switch at the main electrical disconnect panel. Each such switch is to be identified by an approved sign stating "EMERGENCY PUMP SHUTOFF" in two inch red block capital letters.
- (c) All electrical wiring for power and lighting shall be installed on the side of the marine wharf opposite from the flammable or combustible liquid piping system.

(2) The fueling facility shall be located so as to minimize exposure to all other operational marina or pleasure boat berthing area facilities. Where tide and weather conditions permit, all flammable and combustible liquid fuel handling shall be outside the main berthing area. Inside marina or pleasure boat berthing area, fueling facilities shall be so located that in case of fire aboard a boat alongside, the danger to other boats near the facility will be minimal. No vessel or craft shall be made fast to or berthed at any marine wharf, except during fueling operations, and no vessel or craft shall be made fast to any other vessel or craft occupying a berth at a marine wharf, or other fueling facility.

(3) Fueling of floating marine craft at other than a fueling facility is prohibited except by prior written authorization by the head of the Fire Department.

(4) Materials shall not be placed on marine wharfs in such a manner as to obstruct access to fire fighting equipment or important piping system control valves. Where the marine wharf is accessible to vehicular traffic an unobstructed roadway to the shore end of the wharf shall be maintained for access by fire fighting apparatus.

(5) Water standpipe systems with approved 1½ inch hose connections shall be provided at marine wharfs for emergency fire protection. A Class III standpipe system shall be installed on all marine wharfs which extend more than 500' from the shore line. The standpipe system and related fire department connections shall be installed and tested in accordance with NFPA 14, the Standard for the Installation of Standpipe and Hose Systems. In addition, approved portable fire extinguishers shall be provided within 75' of areas requiring fire protection.

(6) A copy of the provisions contained in 527 CMR 15.04(6) through 15.04(21) inclusive and the following excerpt from M.G.L. c. 148 shall be conspicuously posted under glass on fuel barges and fuel vessels and at all fueling facilities:

M.G.L. c. 148, § 10B, as amended. "Any person who knowingly violates any rule or regulation made by the Board of Fire Prevention Regulations shall, except as otherwise provided, be punished by a fine of not less than one hundred dollars nor more than one thousand dollars."

(7) A suitable sign with the following legends printed in two inch red block capital letters on a white background shall be conspicuously posted at the dispensing area of all fueling facilities;

BEFORE FUELING:

- (a) Stop all engines and auxiliaries.
- (b) Shut off all electricity, open flames, and heat sources.
- (c) Check all bilges for fuel vapors.
- (d) Extinguish all smoking materials.
- (e) Close access fittings and openings that could allow fuel vapors to enter enclosed spaces of the vessel.

DURING FUELING:

- (a) Maintain nozzle contact with fill pipe.
- (b) Wipe up spills immediately.
- (c) Avoid overflowing.
- (d) Fuel filling nozzle must be attended at all times.

REGULATIONS FOR MENEMSHA BASIN

The following regulations shall be enforced by a Harbormaster appointed by the Board of Selectmen. The Harbormaster is empowered to issue citations for infringement of these regulations or to take other action as deemed necessary.

DUTCHER DOCK (North of Gas Pumps)

DESCRIPTION: 120 feet along bulkhead, plus 13 slips and one float slip.

Goal: To provide dockage for transient boats.

1. From Memorial Day to Labor Day, no yacht may occupy transient space unless the owner/operator is living on board or within 30 minutes travel time from Menemsha Basin, absent a genuine emergency as determined by the Harbormaster.
2. Transient boats are limited to a total of 14 days in slips or on moorings from July 1 through Labor Day.*
3. Transient boats using town facilities must have holding tanks or the head must be sealed, and they shall not discharge waste water into the Basin or the waters of Menemsha or Quitsa Ponds. Certification shall be made to the Harbormaster that the holding tank has been pumped out every third day of the stay.
4. Rates for Transients: \$1.00 per foot with \$25.00 per foot minimum per day. Electric: \$5.00 per day for 110V, \$10.00 for 220V. Holding Tank Pump Out: \$5.00.
5. No overnight parking in Town Parking Area at Menemsha.

BULKHEAD SOUTH OF GAS PUMPS;

Goal: To accommodate commercial fishing boats.

1. Genuine commercial fishing vessels may tie up to the commercial bulkhead south of the fuel dock without charge provided they are at the time "actively engaged in fishing". To be considered so engaged, a vessel must go out and fish at least 75% of the time unless weather, actual mechanical difficulty or other legitimate emergency, in the discretion of the Harbormaster, prevent it from making such trips. This rule shall not apply to vessels owned by Chilmark residents and based in Menemsha. To be considered a genuine commercial fishing vessel the owner/captain must, on request of the Harbormaster, show proof of gainful commercial fishing during the current year.
2. No docking on 70 foot unloading section between the two fish markets (excepting for that purpose) until 9:00 P. M. or as arranged by the Harbormaster.
3. Boats shall not tie up at the gas dock except while they are refueling.
4. All inside boats must have a fender on each piling on which their boat bears.

Chg # 300 FY 95 Winter Storage Residents exempt

B Bennett