



Fuel Storage

Fuel Storage Licenses go with the land not the property owner.

Requirements:

Board of Selectmen Clerk coordinates approval process and maintains master list of Ch. 148:Sec. 13 licensed properties. License Clerk shall submit master list to Board of Selectmen quarterly including new applications received and any unused licensed which should be revoked.

New Licenses:

1. Board of Selectmen License Clerk distributes license forms in duplicate, receives completed application with check for **\$1000.00** made payable to the Town of Walpole and routes to the following Department Heads for their approval or denial within a 30 day period:
 - a. Fire Chief – Determination made 527 CMR 6.00, NFPA 56, 520 CMR 12.00.
 - b. Board of Health – MGL Chapter 3, Sec. 31 Underground Fuel and Chemical Storage Regulations for all underground fuel and chemical Storage Systems of 1,000 gallons or greater throughout the Town and all size systems within the Aquifer Overlay District Areas 1 and 2. Board of Health must evaluate the distance and impact to any private wells. Applicant given at least seven days advance written notice of meeting.
 - c. Board of Sewer and Water Commission – Must evaluate the distance and impact of any application to the public water supply via the Aquifer Overlay Zoning. The Board should give the applicant at least seven days advance written notice of meeting.
2. Board of Selectmen Licensing Clerk, upon receipt of a completed application simultaneously writes to the Building Inspector, attaches a copy of the application and plan, to request a determination if applicant conforms to all Building Code and Zoning requirements.
3. The License Clerk, upon receipt of a completed application with signature approvals by the Fire Chief, Board of Health, Sewer & Water Commission and Building Inspector, then schedules the Selectmen's hearing in accordance with MGL Chapter 148, Section 13 as follows:
4. License Clerk prepares notice of the time and place of hearing, and shall at the expense of the applicant; publish notice in a newspaper published in Town. This publication must occur not less than seven days prior to the hearing.
5. A check for **\$60.00** made payable to the Hometown Weekly for the advertisement.
6. The applicant must notify by registered mail, not less than seven days prior to the hearing, all owners of real estate abutting on the subject land or directly opposite the subject land on any public or private street. The identity of these persons shall be taken from the most recent tax list in effect at the time the application is filed.
7. Board of Selectmen conducts Public Hearing and votes on the license application.

The time table for the hearing should be reasonable and appropriate, but after all the above mentioned reviews.

NOTE: The Board of Selectmen has "Somewhat wide discretion" which extends beyond the mere question of fire of explosion risk and involves other considerations affecting the public interest i.e. traffic.

In the event of disapproval, the burden is not upon the Board of Selectmen to justify a denial but it is advisable to prepare a written statement of reasons for the denial.

Annual Certificates of Registration:

The Fire Chief shall mail by January 1st of each year to each property owner who holds a license for storage of explosive and/or flammable materials an application to renew their annual Certificate of Registration. (This keeps the master list of license holders current).

The license holder shall mail a copy of or personally deliver the annual Certificates to the Town Clerk by April 30th each year with a \$100.00 fee paid. A second copy of the filed Certificate shall be forwarded by the Town Clerk to the Fire Chief in order to update the Fire Chief's records.

Tank Installation Permit:

An applicant who applies to install a tank requiring a permit from the Fire Chief shall pay a fee of \$10.00 to the Fire Department. The Fire Chief shall mail to all permit holders by January 1st of each year the renewal application. The permit holder shall return to the Fire Department by April 30th, the renewal permit application and pay a fee of \$10.00. This will assist the Fire Chief in updating his records of permit holders. (MGL Ch.148, sec. 10)

Penalties:

The penalty for any violation shall be a fine of not more than \$200.00. Each day that such violation continues shall constitute a separate offense. (Town By-Laws – Article IX)



Town of Walpole
Board of Selectmen's Office
Tel: 508-660-7277
135 School Street
Walpole, MA 02081

Application for License or Permit

Today's Date: _____

I _____, hereby make application to the
Board of Selectman of the Town of Walpole, Massachusetts for a:

Type of License: **Fuel Storage License – Fee \$1000.00** (check made payable to the **Town of Walpole**)

Name of Business License/Permit: _____

D/B/A Name: _____

Address: _____

Business Telephone Number () _____ - _____

Days and Hours of Operation: _____

Is this your first application for a license/permit? **Y / N**

Is this a renewal of a license/permit? **Y / N**

SIGN YOUR NAME IN FULL: _____

Residential Mailing Address: _____

Applicant/Bus Telephone Number: () _____ - _____

EMAIL: _____

Comments: FOR TOWN USE ONLY

Police approval: Yes No

Fire approval: Yes No

Approval Date: _____

Conditions/Restrictions: _____

TOWN OF WALPOLE
REQUEST FOR ABUTTERS LIST

TO: Board of Assessors

I request an Abutters List (all owners of abutting land or land directly opposite the site across a public or private way) for the Board of Selectmen

Name of Applicant: _____

Address: _____

Telephone: _____

Location of Property: _____

Parcel ID of Locus: _____

I understand that I am to pay a Fee of \$1.50 per abutter to the Board of Assessors for this list.

The following items are included with this package:

Abutters Request Form
Abutters List
2 Sets of Mailing Labels



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of Walpole

Application For License

Massachusetts General Law, Chapter 148 §13

☐ New License ☐ Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: _____
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: _____

Address of Land Owner: _____

Use and Occupancy of Buildings and Structures: _____

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums

Total quantity of all flammable liquids to be stored: _____

Total quantity of all combustible liquids to be stored: _____

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers.
(See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, _____, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature _____ Date _____ Name _____

Fire Department Use Only

I, _____, Head of the _____ Fire Department endorse this application with my

☐ Approval ☐ Disapproval

Signature of Head of the Fire Department

Date

Recommendations: _____

A GUIDE FOR MUNICIPAL OFFICIALS ON LICENSING THE STORAGE OF FLAMMABLES, COMBUSTIBLE and EXPLOSIVES

Licenses, Registrations and Permits

The purpose of this document is to provide guidance to fire departments, local licensing authorities, and municipal clerks on licenses, registrations and permits for the storage of flammable, combustible, or explosive materials in accordance with Massachusetts General Law (MGL) Chapter 148 and the Board of Fire Prevention Regulations, Code of Massachusetts Regulation (CMR), 527 CMR 1.00 Table 1.12.8.50.

- A *license* is the permission by competent authority to do an act which, without such permission, would be unlawful, a trespass, or a tort. A storage license is applied for and granted by the local licensing authority. The license is granted to the land and not to an individual. Only one license may be issued to a parcel of land. This license may be amended to reflect changes in quantity, conditions or restrictions. The license may be revoked or suspended for cause by the issuing authority. Information pertaining to the license and the license shall be maintained by the city or town clerk.
- A *registration* is the acknowledgement by competent authority of the act of recording a formal or official record. A storage registration is filed annually with the local city or town clerk. The registration serves solely to notify the community of the present license holders name and address. Only one registration may be granted for each license. Records of registration shall be maintained by the city or town clerk.
- A *permit* is a written authority or warrant, issued by a person in authority, empowering a person to do some act not forbidden by law but not allowable without such grant of authority. The law allows certain small quantities of flammable and combustibles to be kept or stored on the land without a license, but with a permit granted by the head of the fire department. 527 CMR 1.00 Table 1.12.8.50 requires a permit in addition to the license.

The following are definitions related to the terms "flammable or combustible".¹

Combustible liquid: Any liquid having a flash point at or above 100°F shall be known as a Class II or Class III Liquid. Combustible liquids shall be divided into the following classifications:

Class II: Liquids having flash points at or above 100° and below 140°F.

Class IIIA: Liquids having a flash point at or above 140°F and below 200°F.

Class IIIB: Liquids having a flash point at or above 200°F.

Flammable Liquids: Any liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 psia at 100°F. Flammable liquids shall be known as Class I liquids and shall be divided into the following classifications.

Class IA: Liquids having flash points below 73°F and having a boiling point below 100°F.

Class IB: Liquids having flash points below 73°F and having a boiling point at or above 100°F.

Class IC: Liquids having flash points at or above 73°F and below 100°F.

The authority for the keeping and storage of flammables, combustibles, and explosives, is section 13, of Chapter 148, M.G.L. This General Law is rather lengthy; this document references only the relevant sections. In order to apply for a new license or to change the conditions or restrictions of an existing license, the applicant must apply for approval or disapproval from the head of the local fire department. Whether the local fire official approves or disapproves the application, the next step is a public hearing on the application. Not less than seven days prior to a public hearing it must be advertised in a newspaper published in the English language. At the applicants expense, all abutters and owners of real estate must be notified by registered mail not less than seven days prior to the hearing at which the licensing authority acts on the license application.

A licensing authority may prescribe conditions or restrictions to a license.

Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.²

A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license. This informs the licensing authority that the license is still being exercised, and the name of the person or entity exercising the license.

The Board of Fire Prevention Regulations has been granted the authority to exempt certain quantities of the articles (flammables, combustibles, and explosives), articulated in section 9 of Chapter 148, from licensing, and registration.³ These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Every license granted, and every certificate of registration filed under Section 13, is deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to cessation.⁴

Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank $\leq 10,000$ gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank $> 10,000$ gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5: Permit Requirements and Annual Inspection of Above Ground Storage Tanks or Containers of More than Ten Thousand Gallons' Capacity.

If it is determined that a fire or explosion hazard exists or is likely to exist as the result of the continued exercise of a license, the local fire chief may issue a cease and desist order.

The fire chief shall order reasonable measures to protect the safety of the public from the hazards of a fire or explosion. Any measures so ordered are at the expense of the license holder.

"When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license."⁵

The first paragraph of section 13, Chapter 148, speaks of certain articles named in section 9 of Chapter 148, that are subject to regulation. Section 9, names the articles subject to regulation by license or permit.

"The board shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, fireworks, firecrackers, or any substance having such properties that it may spontaneously, or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, or inflame or generate inflammable or explosive vapors or gases to a dangerous extent, and may prescribe the location, materials and construction of buildings to be used for any of the said purposes. Such rules and regulations shall require persons keeping, storing, using, selling, manufacturing, handling or transporting dynamite or other high explosives to make reports to the department in such particulars and in such detail that the quantity and location thereof will always be a matter of authentic record in the department..."⁶

The first paragraph of section 9 of Chapter 148, states that the Board of Fire Prevention Regulations shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of the articles name. The Board has made these Rules and Regulations with the Code of Massachusetts Regulations 527 CMR 1.00. These regulations allow the storage of certain quantities of materials to stored without a license, but subject to permit issued by the head of the fire department.

Regulation 527 CMR 1.00 Section 1.12.8.50.1, requires a permit for the storage of any flammable fluid, solid or gas. This permit is to be obtained from the head of the fire department, as provided by M.G.L. c.148, s.10A and 23. The head of the fire department may restrict the quantities to be stored under the permit.

What this means is that a permit **in addition to a license**, a permit is required from the head of the fire department for the storage of flammable and combustible fluids. The head of the fire department may reduce the quantity of product allowed by permit but may not increase the quantity beyond that allowed by the regulation.

Exceptions to the permit process are granted to certain persons for the storage and use of and use of limited quantities of flammables, combustible. These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Important Points

- A license for the storage of flammable or combustible fluids in quantities in excess of those allowed by regulation is granted by the local licensing authority after approval or disapproval by the head of the fire department and after a public hearing. A permit is granted by the head of the fire department.
- A license is not owned by an individual as a personal privilege. A license once exercised is a grant which runs with the land. The permanent record of a license is to be recorded and maintained by the city or town clerk.
- A permit from the head of the fire department is required in addition to a license for the storage of materials regulated under 527 CMR 1.00 Table 1.12.8.50 .
- A certificate of registration is annually filed by the holder or occupant of licensed land to inform the city or town clerk to record (register) the license as still active and being exercised.
- A city or town may develop its own form for the actual license and registration. The form of the license and registration must contain, as a minimum, that information contained in Department of Fire Services Fire Prevention Forms, FP-002, License and FP-005, Registration respectively.
- A license, when exercised, is a grant running with the land. A parcel of land may only have one license for the storage of flammable or combustible fluids.
- If the conditions, capacities or restrictions authorized by a license are changed, an amended license must be obtained. A new application must be submitted to the local licensing authority, the head of the local fire department must approve or disapprove, and a public hearing must be held. If granted, the amended license supersedes and replaces the old license, and will show the aggregate total capacities allowed under the grant. The terms and conditions of the new license now prevail. The license must be plainly posted on the premises.
- A certificate of registration is the vehicle used by the license holder or occupant of licensed land to notify the city or town town clerk annually, before April thirtieth, that a license is in use and currently being exercised. If a registration is not applied for and issued, after three weeks, it may be viewed as cessation and cause for review of the license. A registration must be plainly posted on the premises.

¹ 527 CMR 1.00: Sections 3.3.165.1, 3.3.165.2

² Massachusetts General Law, Chapter 148 § 13, Paragraph 3

³ Massachusetts General Law, Chapter 148 § 13, Sentence 2

⁴ Massachusetts General Law, Chapter 148 § 13, Paragraph 3

⁵ Massachusetts General Law, Chapter 148 § 13, Paragraph 6

⁶ Massachusetts General Law, Chapter 148 § 9

§ 804-5 Tank selection, installation and removal.

All tanks shall be properly installed as per Massachusetts fire prevention regulations and manufacturers' specification, under the direction of the head of the Fire Department. Tanks shall be of approved design and protected from internal and external corrosion. All tanks must meet the approval of the Fire Department and its location must be approved by the Water and Sewer Commission and the Board of Health.

Tanks shall be installed by a manufacturer's approved installation contractor. Installers must also be approved by the head of the Fire Department.

If it is necessary to replace or interior-coat an underground steel tank which developed a corrosion induced leak, all other steel tanks at the facility which are the same age or older whether or not they are leaking shall be interior-coated or replaced with tanks that meet the requirements of Subsection .

If a cathodic protection system is installed, an ongoing monitoring and maintenance program shall be conducted. If sacrificial anodes have been installed, their proper operation shall be confirmed by a qualified person at least once a year.

The operator shall notify the head of the Fire Department prior to the commencement of tank installation. The head of the Fire Department or the Board of Health may require repair of protective coatings prior to installation or final cover.

Removal of underground storage tanks shall be done in compliance with MGL c. 148, § 38A, and Board of Fire Prevention Regulations 527 CMR 10.12. The Board of Health shall be notified when a tank is removed. If, in the opinion of the agent of the Board of Health, a leak occurred, an investigation into the amount, location, and direction of the spilled substance shall be undertaken at the expense of the owner. If the agent of the Board of Health deems clean up necessary, it shall also be done at the expense of the owner.

All underground storage tanks and boilers in the cellar of buildings that have not been in use for one year must be removed at the expense of the owner.