

## GOSNOLD BOARD OF SELECTMEN

December 30, 2019

Town Counsel's Office, 388 County Street, New Bedford, MA

Present: Sarah Berry, Gail Blout, Stewart Young, Seth Garfield, Wyatt Garfield, Chris Hart, Ralph Packer, Dorothy Packer, Dan Perry, Seth Pickering, Leo Roy

Meeting opened at 11:03 am.

### SUMMARY:

Seth Pickering, Deputy Regional Director - Bureau of Air & Wast, DEP Southeast Regional Office met with the selectmen and Ralph Packer to review DEP's Administrative Consent Order with Penalty and Notice of Compliance.

On behalf of the Town, Sarah Berry thanked Ralph Packer for his service to Cuttyhunk over the years and asked Ralph what his commitment is to the island. Mr. Packer wants to be part of our community and has been servicing Cuttyhunk for almost fifty years. In all that time only one spill has occurred. He believes the fuel farm is not a gasoline service station, but a bulk tank plant. Bulk plants have different DEP regulations, and Mr. Packer believes these types of plants can have above ground systems. The cost to implement DEP's requirements if considered a service station will cost in the \$100,000's. He does not wish to impose these costs on Cuttyhunk, but the Packer company has to be competitive.

Earlier this month, Packer Company delivered fuel to homes and the power station, and working with Gosnold's Fire Chief left two 500-gallon tanks filled for island use. As a stop gap measure, Mr. Packer will continue to deliver product by truck when needed. In addition, all product was removed from the underground storage tanks, and fuel operations have ceased. Mr. Packer has contacted Frank Corp concerning the removal of the tanks.

Mr. Pickering stated that the facility needs to come into compliance by January 5, 2020., and reviewed DEP's concerns. DEP is available for future discussions for Mr. Packer to make a case that the fuel farm is not a gasoline service station, but such action is Mr. Packer's responsibility. Mr. Pickering reiterated that DEP is not looking to shut off fuel supply to Cuttyhunk, and DEP is aware of the uniques aspects of dealing with the island; however, DEP does have real environmental concerns with the current fuel farm and the Town should understand how important it is to protect the environment.

Mr. Packer is looking at other possible solutions such as using tank trucks on a barge, and discussions with Denny Lynch about the possibility of using his barge for deliveries are in process. Mr. Packer understands the the Town needs to check out other possible avenues and supports the Town doing so.

He stressed the importance of everyone knowing that DEP is not requiring Mr. Packer to remove the tanks. Such a decision to remove the tanks is between Packer Co. and the Town.

Moving forward, the Town should be contacting DEP Regional Director Millie Garcia-Serrano to express the Town's concerns and begin discussions as to how the Town can move forward. In addition, it is important that Mr. Packer amend the Consent Order and make a case on the applicability of a bulk tank plant versus a service station.

Mr. Roy stated that the Town has a good working relationship with Mr. Packer and wants to keep it, and offered to help him write the request to DEP. Mr. Packer has a compliance officer to help him lay out his concerns and his belief that the fuel farm is a bulk tank terminal. It is incumbent on Mr. Packer to make the case.


A committee will explore alternative options and report to the selectmen. Seth Garfield will contact Packer Co for more information on the removal of the fuel from the tanks, and Wyatt Garfield will contact Frank Corp for a cost estimate for removal of the tanks. The selectmen need to consider that the Town may have to be part of any solution.

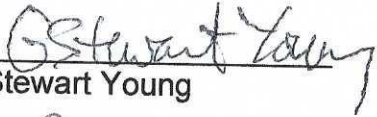
TO DO:

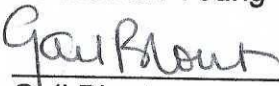
- (1) Mr. Packer will see if the fuel farm can be designated a bulk tank plant and what are the regulations for this type of plant
- (2) Mr. Packer will write to DEP asking to amend the Consent Order
- (3) Town Counsel will contact DEP's counsel Jenny Outman to open lines of communication and discuss the Town's needs and concerns
- (4) Sarah Berry will contact DEP Deputy Director Millie Garcia-Serrano to open lines of communication and to address the Town's needs and concerns
- (5) A small committee (Leo Roy, Wyatt Garfield, Chris Hart, and Seth Garfield) will explore alternative options

Motion to adjourn made, seconded, and unanimously approved at 12:40 p.m.

Respectfully Submitted by Gail Blout, Selectman

  
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Sarah Berry

  
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G. Stewart Young

  
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Gail Blout

Gosnold Board of Selectmen  
January 27, 2020