

Applied Marine Ecology Lab
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Mr. Paul Foley, DRI Coordinator
Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

December 12, 2017

Subject: new gas service station proposal at M.V. Airport Business Park.

Dear Mr. Foley;

As you are aware, over the past ten years, I worked carefully with Bill Wilcox designing, developing and implementing the Martha's Vineyard Commission's (MVC) environmental monitoring requirements for the retail gas station located at 3 North Line Road within the M.V. Airport Business Park. In this capacity, I conducted annual groundwater monitoring tests, underground fuel storage tank (UST) compliance reviews and general environmental evaluations relating to fuel storage and the car wash operations. In accordance with local and state environmental regulatory requirements I assisted with the decommissioning of this facility this past July including the USTs by obtaining the Dept. of Fire Services (FP-293-R) tank removal permits, MA/DEP FP-290 R documentation and associated soil and groundwater testing activities.

Background

The EPA determined the Martha's Vineyard Regional Aquifer satisfied all determination criteria and has been designated as a *Sole Source Aquifer* (SSA) pursuant to section 1124(e) of the Safe Drinking Water Act. Further, the MV Airport Business Park lies within the "impaired" Oyster Pond Watershed. It is within a high yield aquifer and within a Zone Is Interim Wellhead Protection Area as there is at least one potentially productive source water well within the airport premises. Currently, the airport well does not meet DEP's Zone I regulations, which allows only water supply related activities in the Zone I and requires Zone I areas to be owned or controlled by the public water system. Presently, the Airport buys it water from the Oak Bluffs Water District, an immediate neighbor to the north of the Airport. Hence, as this location is within the Interim Wellhead Protection Area (IWPA), the Airport Business Park is considered a high threat to the overall water supply protection area.

In 2001 MA/DEP revised 310 CMR 22.00 Drinking Water Regulations, especially as it applies to IWPA's. In particular, 310 CMR 22.21(2)(a) part 5 clearly prohibits bulk storage of petroleum except for above ground storage tanks. While there are provisions for variances (310 CMR 22.21(5) there does not appear to be any "grandfathering" of previously approved underground fuel storage activities.

Proposed Activity

Presently, there are no existing UST's at this site and a formal modification/amendment to the Town issued Ch. 148 License for fuel storage will be required. The Town may choose to treat this application as a "replacement" of previously authorized USTs. However, complete and detailed engineer certified plans and specifications must accompany any request to modify or amend the previous License. If a License is granted, the applicant must then seek a FP-5 Registration and FP-6 Permits for each UST from the Fire Department along with a FP-290 from MA/DEP for underground storage tanks. Again, these applications must be accompanied by a professional certified engineer's plans and specifications.

I understand the new tenant for this site has proposed a retail gas station and car wash similar to what was approved in 1997. Further, the new tenant indicates they will utilize the existing environmental monitoring program approved by the MVC in the past. However, as the entire site was completely decommissioned in accordance with the MA/DEP and DFS requirements, a new comprehensive environmental monitoring program must be designed, developed and approved by the MVC. The previous site conditions no longer exist, groundwater monitoring wells were removed and their locations would not reflect the proposed new UST's.

If the Martha's Vineyard Airport Commission (MVAC) and Martha's Vineyard Commission (MVC) choose to conditionally approve this new project, they must first seek authorization from MA/DEP and EPA. MA/DEP is not obligated to issue such a variance and will likely require strict and comprehensive environmental monitoring.

I trust this information will be of benefit to you.

Respectfully

Joseph M. Forns

Joseph M. Forns,
Senior Scientist