



Devens Enterprise Commission Licensing and Registering the Storage of Flammables, Combustibles and Explosives Requirements, Policies and Procedures

Storage of flammable, combustible and explosive material is an important aspect of certain business and industry at Devens. There are certain procedures, policies, permits, licensing and registration requirements that business and industry at Devens must be aware of. This document provides guidance on the local permitting and licensing requirements required under 527 CMR 14.03 (Massachusetts Fire Prevention Regulations for the Storage of Flammable and Combustible Materials) and the Devens Enterprise Commission (DEC) Development Rules and Regulations 974 CMR 4.09(see <http://www.devensec.com/rules-regs/decregs409.html>). Additional details on quantities, location and method of storage, handling and fire control can also be found under 527 CMR 14.03.

Permitting, Registration and Licensing Requirements:

1. Every owner or operator of a commercial or industrial establishment within Devens which uses hazardous materials as defined under MGL Chapter 21C and 21E must obtain a **permit** from the Devens Fire Department on an annual basis to ensure compliance with 527 CMR - Board of Fire Prevention Regulations and MGL Chapter 148 – Fire Prevention. For more information, contact the Devens Fire Department at 978-772-4600.
2. Every owner or operator of a commercial or industrial establishment (including municipal, state and federal operations) which uses hazardous materials totaling fifty (50) gallons liquid volume or twenty-five (25) pounds dry weight or more in a calendar year **and** which is located within a Zone II Water Resources Protection District, must also obtain a **permit** from the Devens Fire Department on or before March 1, 2002 and every three years thereafter. A permit fee shall be paid to the Devens Fire Department at the time of permitting and renewal. Contact the Devens Fire Department 978-772-4600 for additional information.
3. In addition to permit(s) from the Devens Fire Department, a **license** for the storage of flammable or combustible fluids in quantities in excess of those allowed under 527 CMR 14.03 must be obtained from the DEC. As per 527 CMR 6.08(b), propane gas stored in excess of 2,000 gal. also requires a license. Storage of Explosives may also require a license in accordance with 527 CMR 13. All license applications are subject to a Level 2 Review under 974 CMR 1.04 and require a public hearing. The current **Application fee for new or amended license requests is \$300**. State form FP-2A on the MA Department of Fire Services website must accompany the DEC Level 2 Permit Application. The head of the Devens Fire Department must sign off on the License application prior to submittal to the DEC. A separate **permit** for storage of flammable or combustible fluids is also required from the head of the Devens Fire Department and must also accompany the License Application.
4. A license is not owned by an individual as a personal privilege, it runs with the land. The permanent record of a license is maintained by the Devens Enterprise Commission.
5. The license must be plainly posted on the premises.
6. A parcel of land may only have one license for the storage of flammable or combustible fluids.
7. If the conditions, capacities or restrictions authorized by a license are changed, an amended license must be obtained. A new Level 2 application must be submitted to the DEC and a new public hearing is required (refer to #3 above). The head of the Devens Fire Department must sign off on the License application and issue the proper permit(s) prior to the DEC acting on the license request. 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 amended license prevail.
8. A Certificate of Registration (State Form FP-5) must be filed with the DEC by the license holder or occupant of licensed land **annually, before April 30**. This registration signifies that a license is in use and currently being exercised. A Certificate of Registration is considered a Level 1 Review (Administrative Approval). The current **annual registration fee is \$100**. 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 also be plainly posted on the premises.

All State forms can be found at <http://www.mass.gov/eops> and follow the link to "Department of Fire Services". DEC Applications, regulations and additional information can be found at <http://www.devensec.com/devserv.html> . For additional information, contact DEC Director Peter Lowitt or Environmental Planner Neil Angus at 978-772-8831.