

Stage II Vapor Recovery Program Instructions for Completing Form D2

Stage II Form D2 Alternative Annual In-Use Compliance Certification (In-Use Compliance Testing Required)

These instructions have been designed to assist those who own and/or manage Stage II systems in completing forms required by the Department of Environmental Protection (MassDEP). Please refer to the full text of the Stage II Program regulations (310 CMR 7.00, Definitions, and 310 CMR 7.24(6), Dispensing of Motor Vehicle Fuel), which govern this Program. These instructions do not create any legal rights, and do not substitute for the Program regulations.

When Is Form D2 Used? Form D2 is the second year of the Alternative Annual In-Use Compliance Certification track and is used to notify MassDEP that an installed Stage II system is operated and maintained in accordance with applicable program requirements and that all required in-use compliance tests have been performed and passed.

- Form D2 may be used only for eligible Stage II facilities for which the Department has received a Form D1 for the previous year's annual in-use compliance certification, in compliance with all applicable requirements.
- Facilities eligible for the Alternative Annual In-Use Compliance Certification track and submitting a required Form D2 must perform and pass applicable in-use compliance tests on an every other year basis.

What Time Period Does Form D2 Apply To? Form D2 applies to the period of time between the date on which the last Form D1 was submitted to DEP and the date the current Form D2 is submitted to MassDEP.

When is a Form D2 Submitted to MassDEP? Form D2 must be submitted to DEP by the one-year anniversary of the date the facility's previous year's Form D1 was submitted.

Please Note:

- The only time a facility's certification submittal due date will change is if a certification is postmarked to the Department more than 30 days **prior** to the facility's currently applicable certification submittal date. In such circumstances, the facility's certification submittal date the subsequent year will be one year from the date of the current year's submittal.
- Certifications submitted to the Department **after** a facility's applicable certification submittal date **will not** result in a facility's certification due date being changed to a later date for the following year's certification.

Who Must Sign Form D2? To ensure the entire Stage II system is correctly operated and maintained in accordance with program requirements all questions contained in Form D2 Sections A., B., and D. must be fully completed and answered by the person(s) responsible for ensuring compliance for that aspect of Stage II program requirements.

- If only one person is responsible for all aspects of Stage II program requirements, then that person should fully answer all questions contained in Section D and sign Form C as Stage II System Responsible Official #1.
- If two people are responsible for different aspects of the Stage II program requirements, then each person must answer those questions contained in Sections A., B., and D. for which he/she is responsible, and sign Form C as Stage II System Responsible Official # 1 and Stage II System Responsible Official #2 respectively, as identified in Section A. 2 and 3.

The Responsible Official(s) must review all information about Stage II system compliance activities required by Form D2 (including backup information that provides the basis for answers to questions on this Form) to make sure that the information is true, accurate and complete. The Responsible Official(s) can base his or her certification on an inquiry of the individuals responsible for obtaining information about applicable compliance activities.

What Must the Stage II System Responsible Official Attest To?

By signing Form D2 Stage II System Responsible Official Compliance Certification Statement, the Stage II System Responsible Official attests that, for each aspect of Stage II program compliance for which he or she is responsible:

- he or she has personally examined, and is familiar with, the information contained in the form and all its attachments; or
based on his or her inquiry of the person(s) responsible for providing the information, the information to which he or she is attesting is true, accurate and complete;
- systems to maintain compliance are in place at the facility;
- he or she is authorized to attest on behalf of the facility; and
- he or she is aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

Please Note: For purposes of this statement, “systems to maintain compliance” means procedures that the Stage II facility owner and/or operator has established to ensure that weekly visual inspections and required tests are conducted, that broken or defective components are repaired, replaced or isolated and that required records are maintained.

How Should Form D2 be Submitted to MassDEP?

Form D2 must be mailed via the US Postal Service to:

Department of Environmental Protection
Bureau of Waste Prevention – Stage II Program
P.O. Box 120-165
Boston, MA 02112-0165

Directions for Completing Form D2

Section A. Stage II System Documentation

Please print all written answers to Stage II System documentation questions in Section A. or check the correct box, as applicable.

Section B. In-Use Compliance Testing and Submittal Requirements

1. Compliance Tests Required to be Performed and Passed.

Please identify all applicable in-use compliance test required to be performed and passed.

If you do not know the applicable tests required to be performed and passed, please contact your Stage II Compliance Testing Company or the MassDEP Stage II Hotline ((617) 556-1035).

2. In-Use compliance certification due date.

Please identify your facility's In-Use Compliance Certification Submittal Date.

If you do not know your facility's certification submittal date, please contact the MassDEP Stage II Hotline.

Please Note: For this Form D2 to be submitted in compliance with applicable requirements, the envelope used to mail the Form to MassDEP must be postmark-dated on or before the facility's In-Use Compliance Submittal Date AND all compliance tests must be performed and passed within the 30 days prior to the postmarked date on the envelope.

Section C. Compliance Testing Company Certification

Section C. must be completed by the Stage II compliance testing company only, and includes a certification statement that must be signed to by a Compliance Testing Company Responsible Official attesting to the contents of Section C. being true, accurate, and complete.

The Compliance Testing Company Responsible Official is responsible for attesting only to the truth, accuracy and completeness of Section C.

Please Note: The Stage II System Responsible Official(s) must ensure that all elements of this Section are fully completed before submitting the Form C Annual In-Use Compliance Certification to MassDEP.

Section D. Stage II System Responsible Official Compliance Certification

This Section must be fully completed by the Stage II System Responsible Official(s) only, as applicable and includes a certification statement that must be signed by the Stage II System Responsible Official(s) attesting to the contents of Section D. being true, accurate, and complete.

If you have facility specific questions please call MassDEP's Stage II Hotline (617/556-1035). The Hotline can provide:

- Stage II facility information on record in the MassDEP Stage II database.
- Help with finding your Stage II System's Executive Order number.
- A copy of your Stage II System's Executive Order.

Blank form and instructions, and program regulations are also available at MassDEP's Stage II web page: <http://www.mass.gov/dep/air/community/stageii.htm>