

Stage II Vapor Recovery Program Instructions for Completing Form H

Stage II Form H

Change of Stage II Compliance Testing Company Documentation

These instructions have been designed to assist those who own and/or manage Stage II Compliance Testing Companies in completing forms required by the Department of Environmental Protection (DEP). 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. To ensure that you are using the most current version of the Stage II forms and instructions, please call the Stage II Hotline (617/556-1035), or check the Stage II web page (<http://www.mass.gov/dep/air/community/stageii.htm>).

When Is Form H Used?

Form H is used to notify DEP of changes in previously submitted Stage II Compliance Testing Company documentation.

When Is a Form H Submitted to DEP?

Form H must be submitted to DEP within 14 days of the effective date of any change in previously submitted company documentation.

Who Must Sign Form H?

To ensure that all aspects of the Stage II Compliance Testing Company activities are performed in accordance with program requirements, one party from among the company's applicable owner, operator, lessee or controller, must be identified as responsible for certifying to overall company compliance. This "Stage II Compliance Testing Company Responsible Official" must sign Form H.

The Responsible Official must review all information about Stage II Compliance Testing Company activities required by Form H (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. This person can base his or her certification on an inquiry of the individuals responsible for obtaining information about applicable compliance activities. The Stage II Compliance Testing Company Responsible Official is the point of contact for Stage II-related communication with the Department.

Who is Eligible to be the Stage II Compliance Testing Company Responsible Official?

The type of person who may serve as the Stage II Compliance Testing Company Responsible Official depends on the type of entity that owns, operates, leases, or controls the testing company. The Responsible Official must be:

- In a sole proprietorship, the company's sole proprietor.
- In a partnership, a general partner with authority to bind the partnership.
- In a corporation or a non-profit corporation, a corporate official with authority to bind the corporation,

e.g., president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision making functions of the corporation.

- In a municipality or other public agency, a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

What Must the Stage II Compliance Testing Company Responsible Official Attest

To? By signing Form H, the Stage II Compliance Testing Company Responsible Official attests that:

- he or she has personally examined, and is familiar with, the information contained in the form and all its attachments;
- 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 (e.g., employee training, record keeping and submittal of bi-weekly list of scheduled tests, etc.);
- 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.

How Should Form H be Submitted to DEP?

Form H, with original signatures, must be mailed via the US Postal Service to:

Department of Environmental Protection
Bureau of Waste Prevention – Stage II Program
One Winter Street, 9th Floor
Boston, MA 02108

Please Note: faxes, other copies and hand-delivered forms will not be accepted.

Directions for Completing Form H

Section A. Current Stage II Compliance Testing Company Documentation

To ensure the correct testing company records are updated, please provide the Stage II compliance testing company's name, facility address and DEP Stage II Compliance Testing Company ID#, as currently found in DEP's Stage II database.

Section B. Revised Stage II System Documentation

1. Name of Stage II Compliance Testing Company

This sub-section shall be completed only if the name of the compliance testing company has changed.

2. Facility Address

This sub-section shall be completed only if the address from which the daily compliance testing activities of the compliance testing company originate has changed

3. Business Address

This sub-section shall be completed only if the business mailing address of the compliance testing company has changed.

4. Stage II Compliance Testing Company Responsible Official

This sub-section shall be completed only if the name and/or address of the Stage II System Responsible Official has changed. Check the correct box indicating the source of Responsible Official's authority.

If Form H is being submitted to identify a change of Stage II Compliance Testing Company Responsible Official(s), please provide the information requested above about the new Responsible Official(s), and identify any existing Responsible Officials who will no longer serve in that capacity. Please use an additional sheet if more than one Responsible Official change is being made.

Section C. Stage II Compliance Testing Company Business and Related Activities

Section C. applies only to persons who own, lease, operate or control a Stage II Compliance Testing Company and own, lease, operate or control one or more gasoline dispensing facilities and/or companies that install or substantially modify Stage II systems in Massachusetts.

Section D. Stage II Compliance Testing Company Employee Training Systems

Check the appropriate box and answer each question, as applicable.

Section E. Stage II Compliance Testing Company Certification

Sign and date the form in the appropriate place as required.

Please Note: If the Stage II Compliance Testing Company Responsible Official on record in the Department's Stage II database has changed, the new Stage II Compliance Testing Company Responsible Official must sign the certification contained in Section E. of this Form H.

If you have questions or need more information, please call DEP's Stage II Hotline (617/556-1035). The Hotline can provide:

- Stage II facility information on record in the DEP Stage II database.
- Help with finding Stage II System Executive Order numbers.
- of Stage II System's Executive Orders.
- Blank forms.
- DEP fact sheets, inspection checklists and compliance assistance materials.

This information is also available at DEP's Stage II web page (<http://www.mass.gov/dep/air/community/stageii.htm>).