



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

f a c t s h e e t

Complying With Stage II Certification Submittal Requirements

If you own and/or operate a Massachusetts gasoline dispensing facility subject to Department of Environmental Protection (DEP) Stage II Vapor Recovery requirements, reviewing this fact sheet will help you remain in compliance with state regulations.

The Annual In-Use Compliance Certification for a Stage II system must be postmarked by the certification due date or within 30 days of the first passing test result cited on page 2 of the certification form, whichever comes first.

Certification due dates

A certification due date is determined by the postmark on the envelope of your previous year's certification submission to DEP. This approach ensures that all Stage II systems are certified at least once every 12 months.

For example, if a facility's Year 1 certification is postmarked March 23, the facility will be required to mail its next certification to DEP by March 23 of Year 2. If, however, the facility mails its Year 2 certification more than 30 days before the facility's currently applicable due date (for example on February 20), the due date for its Year 3 certification will be February 20, and not remain March 23. Future certification due dates for certifications mailed less than 30 days before their currently applicable due date will remain unchanged.

If maintaining your facility's current certification due date is important to you, simply schedule your compliance tests for no more than 30 days in advance of that date. You may also schedule your tests and submit your certification at any time before your due date if you wish.

Responsible Official (owner/operator/lessee) changes

The owner/operator/lessee of a Stage II system at the time of the certification due date is responsible for the timely submittal to DEP of the completed certification. However, DEP is not always notified of owner/operator/lessee changes in a timely fashion, and as a result may mail forms to a previous Responsible Official.

- If you are the **former** owner, operator, lessee, or controller of a Stage II system relinquishing his or her authority, **the revised Stage II regulation requires that you must submit to the Department a signed letter notifying DEP within 30 days of the effective date of the change.** The signed letter must include the following information:
 - A. the name of the person relinquishing his or her authority, the facility name and address, and the Stage II Facility Customer Code Number;
 - B. the name of the **new** owner, operator, lessee or controller of the facility and related business information, including the new facility name and address; and
 - C. the effective date of the change of owner, operator, lessee or controller.
 - D. Please also include the phone number for the new owner, operator, lessee, or controller.

If you are a **new** owner/operator/lessee, you should immediately schedule the required compliance tests referenced in Section B of the certification form that you received, and complete and submit to DEP a Form E (Change of Stage II System Owner, Operator, Lessee or Controller Notification).

You may download a Form E from:

<http://www.mass.gov/dep/service/online/erpforms.htm#stageii>

Facility closures

- A. The Stage II Facility Closure Notification (Form F) has been revised to allow either the permanent or temporary closure of a Stage II system.
- B. Any person taking a Stage II system out of use must submit to the Department a fully completed Form F and attach to it a fully completed Notification For Storage Tanks Regulated Under 527 CMR 9.00 Form (FP-290R or FP-290), as submitted to the State Fire Marshal's Office for to the applicable facility.
 - 1. FP-290R is required for permanently taking the Stage II system out of use.
 - 2. FP-290 is required for temporarily taking the Stage II system out of use.

You may download a Form F from:

<http://www.mass.gov/dep/service/online/erpforms.htm#stageii>

Download FP-290R form: <http://www.mass.gov/Eeops/docs/dfs/osfm/forms/fp290r.pdf>

Download FP-290 form: <http://www.mass.gov/Eeops/docs/dfs/osfm/forms/fp290.pdf>

More than one Responsible Official

When a Stage II system is owned by one party and leased or operated independently by another, both parties may have separate Stage II compliance responsibilities. All Stage II forms provide spaces for the owner and the lessee or other independent operator to identify the compliance activities for which they are responsible and to sign the forms. For facilities with one person responsible for all aspects of Stage II system compliance, only the Responsible Official #1 section of the forms should be completed and signed.

DEP enforcement notices

Should you ever receive a Notice of Noncompliance (NON) or notification of other enforcement action(s) from DEP relative to the Stage II system installed at your facility, do not ignore the correspondence. Read it carefully and correct all aspects of noncompliance by the stipulated date(s). Submitting the Annual In-Use Compliance Certification for your Stage II system will not relieve you from the need to comply with an outstanding NON or other DEP enforcement action(s).

For additional information

If you have questions or need additional information or forms, please call the DEP Stage II Hotline at (617) 556-1035, email us at aq.stage2@state.ma.us, or visit our Web site: <http://www.mass.gov/dep/air/community/stageii.htm>

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