

## **310 CMR 7.00 Definitions**

**Isolate** means, for the purposes of 310 CMR 7.24(6), to take out of service one or more components of a Stage II system so that the remainder of the Stage II system operates as required by the terms and conditions of the system's currently applicable Executive Order.

**Minor Modification** means, for the purposes of 310 CMR 7.24(6), the re-installation, repair or replacement of one or more Stage II System components that is not substantial, including, but not limited to: less than 50% of the motor vehicle fuel dispensers (e.g., 1 of 4 dispensers); a central vacuum unit of a Healy 400 ORVR nozzle system or Healy 600 nozzle system; ball float extractor valve housings; dispenser mounted vapor pumps; or "screw-on" spill or dry break buckets. If the re-installation, repair or replacement of Stage II System components occurs at a motor vehicle fuel dispensing facility with two or less dispensers, the re-installation, repair or replacement of only one of the motor vehicle fuel dispensers shall be a Minor Modification.

**Routine Maintenance** means, for the purposes of 310 CMR 7.24(6), the regular re-installation, repair or replacement of one or more Stage II System components including, but not limited to: hoses; nozzles; breakaways; swivels; hose retractors; bucket plow rings; "slip-on" spill or dry break buckets; "O" rings and seals; submersible pumps or suction pipes; fill adaptors; fill tubes; vapor adaptors; fill and vapor caps; drain valves; monitor caps; or riser caps.

**Substantial Modification** means, for the purposes of 310 CMR 7.24(6), the re-installation, repair or replacement of one or more Stage II System components including, but not limited to: 50% or more of the motor vehicle fuel dispensers (e.g., 2 of 4 dispensers); the replacement of one type of Stage II system with another type (e.g., replacement of a balance system with a vacuum assist system, or a Healy 400 ORVR nozzle system or Healy 600 nozzle system with a Healy VP-1000 system); or the re-installation, repair or replacement of Stage II System components requiring excavation below a shear valve or tank pad (e.g., vapor return piping, vent piping, vapor space tie bar, two-point or coaxial Stage I systems; or motor vehicle fuel storage tanks). If the re-installation, repair or replacement of one or more Stage II System components occurs at a motor vehicle fuel dispensing facility with two or fewer dispensers, the re-installation, repair or replacement of all motor vehicle fuel dispensers shall be a Substantial Modification.

## **310 CMR 7.24(6) U DISPENSING OF MOTOR VEHICLE FUEL.**

### **(a) Applicability and Installation Requirements**

1. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed or substantially modified after November 1, 1989 shall install, prior to commencing operation, a Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and any Approval Letters issued by CARB on or before March 1, 2009 pursuant thereto.

2. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, that has not been substantially modified since November 1, 1989 shall install a Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and as required by the following schedule:

a. by April 1, 1991 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is greater than or equal to 1,000,000 gallons of motor

vehicle fuel; or

b. by April 1, 1992 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 1,000,000 gallons but greater than or equal to 500,000 gallons of motor vehicle fuel; or

c. by April 1, 1993 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 500,000 gallons per year but is greater than or equal to 20,000 gallons in any one calendar month; or

d. by April 1, 1994, or 90 days after dispensing 10,000 gallons or more in any calendar month, whichever is later, for all other motor vehicle fuel dispensing facilities.

3. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, which has not been substantially modified since November 1, 1989 and which has not dispensed greater than 10,000 gallons of motor vehicle fuel in any one calendar month since January 1, 1988 shall maintain, on site at the facility, monthly records of the total number of gallons of motor vehicle fuel dispensed at said facility for the most recent rolling five year period.

4. Any person who owns, leases, operates or controls a tank truck engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container shall install, by September 1, 1995 or prior to commencing operation, whichever is later, a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order. Tank trucks dispensing motor vehicle fuel to emergency motor vehicles or portable containers during fire fighting activities or a declared emergency situation are exempt from the requirements of 310 CMR 7.24(6).

5. Any person subject to 310 CMR 7.24(6) shall conspicuously post Stage II system operating instructions on both sides of all motor vehicle fuel dispensers or at a position adjacent to the dispensers that is clearly visible to the system operator during the refueling process. Such instructions shall include:

a. a clear pictorial or written description of how to correctly dispense motor vehicle fuel using the installed Stage II system;

b. a warning not to continue dispensing motor vehicle fuel ("topping-off") after automatic system shutoff has engaged; and

c. the telephone number of the Department's Stage II Consumer Hotline.

6. Stationary motor vehicle fuel storage tanks used for following purposes only shall be exempt from the requirements of 310 CMR 7.24(6).

a. A stationary motor vehicle fuel storage tank of 550 gallons or less capacity, used for the purpose of fueling implements of husbandry, provided the fuel storage tank is equipped with submerged fill pipes.

b. A stationary motor vehicle fuel storage tank of greater than 250 gallons, but 1000 gallons or less capacity, used for the purpose of onsite fueling of motor vehicles with motor vehicle fuel that is the by-product of motor vehicle salvage yard operations, provided the fuel storage tank is equipped with:

- i. a submerged fill pipe; and
- ii. a pressure vacuum vent valve.

Any person who owns, leases, operates or controls a stationary motor vehicle fuel storage tank currently installed at a motor vehicle salvage yard and not in compliance with the requirements of this subsection shall take such action as necessary to comply with the requirements of this subsection on or before September 1, 2009.

7. On or after March 1, 2009, any person who owns, leases, operates or controls a newly installed motor vehicle fuel dispensing facility where a Stage II system is installed in compliance with 310 CMR 7.24(6)(a) 1. shall install a pressure/vacuum (P/V) vent cap on each underground motor vehicle fuel storage tank vent located at said facility, prior to commencing operation. Any person who owns, leases, operates or controls an existing motor vehicle fuel dispensing facility where a vapor balance Stage II system is installed as of March 1, 2009 shall install a P/V vent cap on each underground motor vehicle fuel storage tank vent on or before said facility's first Annual In-Use Compliance Certification submittal due date after April 1, 2009. Each P/V vent cap shall maintain 3.0+/-0.5 inches of water pressure, and 8.0+/-2.0 inches of vacuum. **Note:** Per the applicable CARB Executive Orders, above ground motor vehicle fuel storage tanks and all underground motor vehicle fuel storage tanks with vacuum assist type Stage II systems are also required to have P/V vent caps.

**(b) Operation and Maintenance Requirements**

1. Any person subject to 310 CMR 7.24(6) shall comply with the following operation and maintenance requirements.

a. Operate and maintain the installed Stage II system as required by the terms and conditions of the system's currently applicable Executive Order.

b. Take such actions as necessary to comply with the applicable terms and conditions of any new or modified Executive Order upon Department revision of 310 CMR 7.24(6) to incorporate such new or modified Executive Order. Such actions shall be taken either:

- i. during applicable Routine Maintenance, Minor Modification or Substantial Modification of the Stage II System; or
- ii. within four years, whichever occurs first.

c. Once every seven (7) days perform a weekly visual inspection of the Stage II system components to determine if such components are installed, functioning and unbroken as required by the terms and conditions of the system's currently applicable Executive Order. Each visual inspection shall include, but not be limited

to, inspection of: nozzle boots and splash/vapor guards; hoses; hose retractors, coaxial adaptors, dry breaks, fill caps and gaskets, vapor recovery caps and gaskets, spill containment boxes and drain valves.

d. Upon determining a Stage II system component is incorrectly installed, non-functioning or broken during a visual inspection, immediately:

i. repair such component(s) as required by the terms and conditions of the system's currently applicable Executive Order; or

ii. stop dispensing motor vehicle fuel through such component(s), conspicuously post "Out of Service" signs on such component, and repair such component as required by the terms and conditions of the system's currently applicable Executive Order within 14 days of the date such component is determined to be incorrectly installed, non-functioning or broken.

e. If an incorrectly installed, non-functioning or broken component cannot be repaired as required by 310 CMR 7.24(6)(b) 1.d., such component shall immediately be Isolated. "Out of Service" signs shall be conspicuously posted on said Isolated component until such time as said component is correctly repaired as required by the Stage II system's currently applicable Executive Order.

f. If an incorrectly installed, non-functioning or broken component cannot be repaired or Isolated as required by 310 CMR 7.24(6)(b) 1.d. or e., the facility owner/operator shall immediately stop dispensing motor vehicle fuel and conspicuously post "Out of Service" signs on all motor vehicle fuel dispensers until such time as all incorrectly installed, non-functioning or broken components are correctly repaired as required by the terms and conditions of the Stage II system's currently applicable Executive Order.

2. A visual inspection of a Stage II system to meet the requirements of 310 CMR 7.24(6)(b)1.c. shall be performed only by a person who is trained to operate and maintain the Stage II system as required by the terms and conditions of the system's currently applicable Executive Order. A current record of all persons trained shall be maintained on site or, for tank trucks, at the address from which the tank truck is principally operated, and shall include the following:

a. the date training was last received;

b. the trainee's printed name; and

c. the personal signature of the trainee acknowledging receipt of the training.

3. Any person subject to 310 CMR 7.24(6) shall maintain all Stage II system maintenance records on site, in a centralized location, for the most recent rolling twelve-month period. Such records may be either (a) hard copy documents or (b) electronic documents, provided that a hard copy of the electronic documents shall be printed on-site immediately upon request. Such maintenance records for tank trucks shall be maintained at

the address from which the tank truck is principally operated. Stage II system maintenance records shall include:

- a. all of the facility's weekly inspection checklists for the prior rolling twelve-month period, identifying:
  - i. the date each weekly visual inspection was performed and the signature of the person who performed the visual inspection;
  - ii. any Stage II system component determined to be incorrectly installed, non-functioning or broken;
  - iii. whether the identified incorrectly installed, non-functioning or broken component was immediately repaired, taken out of service and repaired within 14 days, Isolated, or the facility stopped dispensing motor vehicle fuel and all fuel dispensers were taken out of service;
  - iv. the date the incorrectly installed, non-functioning or broken components identified in iii. above were repaired.
- b. A copy of compliance testing company test results for all Stage II compliance tests during the prior rolling twelve-month period.
- c. A copy of the Stage II system's most recent Annual In-Use Compliance Certification.

4. All records maintained pursuant to 310 CMR 7.24(6)(b) 2. and 3. shall be made available to the Department or the US EPA immediately upon request. In the event requested records cannot be made immediately available, requested records shall be delivered to the Department or the US EPA, as applicable, within 24 hours of the initial request.

**(c) Compliance Testing and Certification Requirements**

1. Stage II system testing, record keeping and certification as a result of Routine Maintenance or Minor Modification of a Stage II system.
  - a. In the event of Routine Maintenance, a record of such maintenance shall be maintained in accordance with 310 CMR 7.24(6)(b) 3. Compliance testing and submittal of a compliance certification to the Department is not required.
  - b. In the event of a Minor Modification of a Stage II system, applicable compliance tests shall be performed and passed prior to commencing system operation and a record of such modification and test results shall be maintained in accordance with 310 CMR 7.24(6)(b) 3. Submittal of a compliance certification to the Department is not required.
2. Installation/Substantial Modification Certification. Any person subject to 310 CMR 7.24(6) who installs or makes a Substantial Modification to a Stage II system after March 1, 2009, shall, prior to commencing operation, perform and pass all applicable compliance tests pursuant to 310 CMR 7.24(6)(d). and submit to the Department within 7 days of performing

and passing said tests, a fully completed and signed Installation/Substantial Modification Certification, on a form obtained from the Department, attesting to the following:

- a. the installed or substantially modified Stage II system is installed or substantially modified in compliance with 310 CMR 7.24(6)(a);
- b. all applicable compliance tests as required by 310 CMR 7.24(6)(d) were performed and passed; and
- c. the applicable installation compliance tests were performed and passed not more than 30 days prior to the date postmarked on the envelope used to submit the Certification to the Department.

3. Annual In-Use Compliance Certification. Except as provided in 310 CMR 7.24(6)(c) 4., any person subject to 310 CMR 7.24(6) shall annually submit to the Department a fully completed and signed Annual In-Use Compliance Certification, on a form obtained from the Department, attesting to the following:

- a. the installed Stage II system is operated and maintained as required by 310 CMR 7.24(6)(b);
- b. the following in-use compliance tests, as applicable, were performed as required by 310 CMR 7.24(6)(d):
  - i. Vapor balance systems.  
Annual in-use compliance tests: Pressure Decay Test; Vapor-Tie Test; P/V Vent Test.  
Every-third-year in-use compliance test: Dynamic Pressure/Liquid Blockage Test.
  - ii. Vacuum assist systems.  
Annual in-use compliance tests: Pressure Decay Test; Vapor-Tie Test; P/V Vent Test; and Air-to-Liquid Ratio Test.  
Every-third-year in-use compliance test: Dynamic Pressure/Liquid Blockage Test.
  - iii. Healy systems.  
All applicable tests shall be performed annually.
- c. The applicable in-use compliance tests were performed and passed not more than 30 days prior to the date postmarked on the envelope used to submit the Certification to the Department.

4. Alternative Annual In-Use Compliance Certification. Any person subject to 310 CMR 7.24(6) who submits two consecutive years of Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c) 3. in which all applicable in-use compliance tests were passed on the first try, as certified pursuant to 310 CMR 7.24(6)(g)8., may elect to submit annually to the Department an Alternative Annual In-Use Compliance Certification on a form obtained from the Department:

a. Facilities meeting the requirements of 310 CMR 7.24(6)(c) 4. and electing to submit an Alternative Annual In-Use Compliance Certification shall be:

i. exempt from annual Stage II compliance testing requirements in the year following the submittal of two consecutive years' of Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c) 4.; and

ii. subject to all applicable Stage II compliance tests as referenced in 310 CMR 7.24(6)(d) in the second year following the submittal of two consecutive years' Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c) 3., and every other year thereafter.

b. Any person submitting an Alternative Annual In-Use Compliance Certification to the Department shall fully complete and sign said Certification and attest to the following:

i. the installed Stage II system is correctly operated and maintained as required by 310 CMR 7.24(6)(b);

ii. all applicable compliance tests were performed and passed as required by 310 CMR 7.24(6)(c) 4.a.ii., and

iii. The applicable compliance tests were performed and were passed not more than 30 days prior to the date postmarked on the envelope used to submit the Certification to the Department.

c. Any person submitting an Alternative Annual In-Use Compliance Certification and fails one or more compliance certification tests on the first try as required by 310 CMR 7.24(6)(c) 4. shall be required, in subsequent years, to annually certify in compliance with the requirements of 310 CMR 7.24(6)(c) 3., until such time as said person meets the requirements in 310 CMR 7.24(6)(c) 4.

5. Annual In-Use Compliance Certification Submittal Requirements. The annual submittal date for Certifications required pursuant to 310 CMR 7.24(6)(c) 3. and 4., is no later than:

a. For persons subject to 310 CMR 7.24(6) who install or make a Substantial Modification to a Stage II system on or after January 1, 2001, the anniversary of the date postmarked on the envelope used to submit to the Department the Installation Compliance Certification required by 310 CMR 7.24(6)(c) 1. or the date the facility commenced operation, whichever occurs first; and

b. For all other persons subject to 310 CMR 7.24(6), May 1, 2002, or a date otherwise provided by the Department, whichever is earlier. Persons subject to 310 CMR 7.24(6)(c) 5.b. who are provided an annual submittal date by the Department shall be notified by the Department of their first annual submittal date and required in-use compliance tests pursuant to 310 CMR 7.24(6)(c) 3.b. no less than 90 days prior to the first annual submittal date established by the Department.

- c. Upon request of any person subject to 310 CMR 7.24(6), the Department may revise said person's annual Certification submittal date. Such revision shall set a revised annual submittal date that is no more than 12 months after the otherwise applicable submittal date.
6. Any person who owns, leases, operates or controls a Stage II system that fails one or more in-use compliance tests required by 310 CMR 7.24(6)(c) 3. or 4., shall immediately:
- a. repair incorrectly installed, non-functioning or broken component as required by the terms and conditions of the Stage II system's currently applicable Executive Order;
  - b. re-test and pass each failed test; and
  - c. submit to the Department the required Annual In-Use Compliance Certification on or before the facility's Annual In-Use Compliance Certification submittal date or within 30 days of the date of the Stage II system's first passing test result as required by 310 CMR 7.24(6)(c) 3.c. or 310 CMR 7.24(6)(c) 4.c., as applicable, whichever occurs first.
7. If a facility fails one or more required in-use compliance tests and the incorrectly installed, non-functioning or broken components cannot be repaired as required by 310 CMR 7.24(6)(c) 7., the facility owner/operator shall immediately:
- a. Isolate the incorrectly installed, non-functioning or broken components from the Stage II system so that the remainder of the Stage II system operates as required by the terms and conditions of the system's currently applicable Executive Order; and
  - b. submit to the Department the required Annual In-Use Compliance Certification based on passing test results for the remainder of the Stage II system on or before the facility's Annual In-Use Compliance Certification submittal date or within 30 days of the date of the Stage II system's first passing test result as required by 310 CMR 7.24(6)(c) 3.c. or 310 CMR 7.24(6)(c) 4.c., as applicable, which ever occurs first.
  - c. Any Stage II system component Isolated from the remainder of the Stage II System shall remain Isolated until such time as:
    - i. said component is repaired as required by the terms and conditions of the Stage II System's currently applicable Executive Order; and
    - ii. all applicable, compliance testing, record keeping and certification requirements for the Routine Maintenance, Minor Modification, or Substantial Modification of a Stage II system are complied with.
8. If a facility fails one or more required in-use compliance test and the incorrectly installed, non-functioning or broken Stage II system component cannot be repaired as

required by 310 CMR 7.24(6)(c) 6. or 7., the facility owner/operator shall immediately stop dispensing motor vehicle fuel and conspicuously post “Out of Service” signs on all motor vehicle fuel dispensers until such time as:

- a. all incorrectly installed, non-functioning or broken components are repaired as required by the terms and conditions of the Stage II system’s currently applicable Executive Order;
- b. all applicable in-use compliance tests are performed and passed as required by 310 CMR 7.24(6)(c) 3. or 4., as applicable; and
- c. a fully completed Annual In-Use Compliance Certification has been submitted to the Department as required by 310 CMR 7.24(6)(c) 3.
- d. If a facility fails one or more required in-use compliance tests and is subject to 310 CMR 7.24(6)(c) 8., for purposes of compliance with the Annual In-Use Compliance Certification submittal requirements of 310 CMR 7.24(6)(c) 3. or 4., said facility owner/operator shall submit to the Department a fully completed and signed Stage II System Closure Notification as required by 310 CMR 7.24(6)(e) 2. on or before said facility’s currently applicable Annual In-Use Compliance Certification submittal due date.

9. Any Certification submitted to the Department as required by 310 CMR 7.24(6)(c) shall be signed by a Stage II System Responsible Official as required by 310 CMR 7.24(6)(f).

10. Any person subject to 310 CMR 7.24(6), upon written notice from the Department, shall perform such compliance tests as the Department determines necessary to demonstrate the Stage II system is installed and maintained as required by the terms and conditions of the system’s currently applicable Executive Order and shall submit the results to the Department within 14 days of the performance of said tests.

(d) **Stage II System Compliance Testing Requirements**

For the purposes of 310 CMR 7.24(6)(c), the following Stage II System compliance tests and requirements shall be required:

1. Vapor Balance systems.  
Pressure Decay Test, Vapor-Tie Test, P/V Vent Test and Dynamic Pressure/Liquid Blockage Test
2. Vacuum Assist systems.  
Pressure Decay Test, Vapor-Tie Test, P/V Vent Test, Air-to-Liquid Ratio Test and Dynamic Pressure/ Liquid Blockage Test
3. Healy systems.
  - a. Healy 400 ORVR (Executive Order # G-70-186), Healy 400 ORVR Above Ground Storage System (Executive Order # G-70-187) and Franzen-Hill Cargo Tank Truck System (Executive Order # G-70-193);

Pressure Decay Test;  
Vapor Tie Test;  
P/V Vent Test;  
Exhibit 4: Vapor Return Line Vacuum Integrity Test; and  
Exhibit 5: Fillneck Vapor Pressure Regulation Fueling Test.

- b. Healy 600 (Executive Order # G-70-165):  
Pressure Decay Test;  
Vapor Tie Test;  
P/V Vent Test;  
Air-to-Liquid Ratio Test; and  
Exhibit 4: Vapor Return Line Vacuum Integrity Test.

- 4. Compliance tests performed to meet the requirements of 310 CMR 7.24(6)(c) shall be performed only by a person or Stage II compliance testing company that has submitted to the Department a Stage II Compliance Testing Company Notification as required by 310 CMR 7.24(6)(g) 1.

**(e) Notification Requirements.**

1. Any person, upon entering into a purchase, lease or other contractual agreement by which said person becomes the owner, operator, lessee or controller of an existing motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) shall submit to the Department, within 30 days of the effective date of becoming such an owner, operator, lessee or controller or within 10 days of a written request from the Department, a fully completed New Stage II System Owner, Operator, Lessee or Controller Notification on a form obtained from the Department.

- a. Said Notification shall include the following:

- i. the name of the new Stage II system owner, operator, lessee or controller and related business documentation, including the name and address of the facility where the Stage II system is located or from which the tank truck is principally operated; and

- ii. the effective date said person became the new owner, operator, lessee or controller.

- b. Said Notification shall be signed by the individual who is a Responsible Official for the new owner, operator, lessee or controller regarding the Stage II system, who shall attest to the following:

- i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

- ii. I am fully authorized to make this attestation on behalf of this facility

or tank truck, as applicable.

2. Any person subject to 310 CMR 7.24(6), upon entering into a sale, lease or other contractual agreement by which said person relinquishes his or her authority as an owner, operator, lessee or controller of a facility or tank truck subject to 310 CMR 7.24(6), shall submit to the Department, within 30 days of the effective date of said sale, lease or other contractual agreement, a signed letter notifying the Department of the following:

a. the name of the person relinquishing his or her authority as an owner, operator, lessee or controller of the facility or tank truck subject to 310 CMR 7.24(6), the facility name, DEP Facility Account Number and address or the address from which the tank truck is principally operated, as applicable;

b. the name of the new owner, operator, lessee or controller of the facility or tank truck subject to 310 CMR 7.24(6) and related business information, including the new facility name and address or the address from which the tank truck is principally operated, as applicable; and

c. the effective date of the change of owner, operator, lessee or controller.

3. Any person subject to the requirements of 310 CMR 7.24(6) seeking to permanently or temporarily take out of use an existing motor vehicle fuel dispensing facility or tank truck shall submit to the Department a fully completed and signed Stage II System Closure Notification, on a form obtained from the Department.

a. Said Notification shall include the following:

i. the name of the Stage II facility owner, operator, lessee or controller and related business information, including the name and address of the facility where the Stage II system was located or from which the tank truck was principally operated, as applicable;

ii. the DEP Facility Account Number for the applicable facility or tank truck; and

iii. a copy of the Notification For Removal or Closure of In Place Underground Storage Tanks Regulated Under 527 CMR 9.00 (FP-290R) Form, documenting the permanent or temporary out of use status of said facility or tank truck on record with the Massachusetts Department of Fire Safety.

b. The temporary out of use status of a motor vehicle fuel dispensing system shall be renewed as necessary by any person subject to the requirements of 310 CMR 7.24(6) by submitting a new, fully completed Stage II System Closure Notification, on or before the annual anniversary of the effective date said dispensing system was taken out of use, as noted in the required FP-290R Form. Said renewal shall include a current FP-290R Form for said dispensing system on record with the Massachusetts Department of Fire Safety documenting the system's continued temporary out of use status.

c. Any person subject to the requirements of 310 CMR 7.24(6) who temporarily takes out of use a motor vehicle fuel dispensing system shall, prior to commencing the distribution of motor vehicle fuel, perform and pass all applicable compliance tests and submit to the Department a fully completed Installation/Substantial Modification Certification as required by 310 CMR 7.24(6)(c) 2.

d. Any person subject to the requirements of 310 CMR 7.24(6), where the motor vehicle fuel dispensing facility is permanently taken out of use, shall no longer be subject to 310 CMR 7.24(6) as of the effective date the facility was permanently taken out of use as referenced in the required FP-290R Form.

4. Any Notification submitted to the Department as required by 310 CMR 7.24(6)(e) shall be signed by a Stage II System Responsible Official as required by 310 CMR 7.24(6)(f).

**(f) Stage II System Responsible Official Certification of Compliance.**

1. Except in circumstances described in 310 CMR 7.24(6)(f) 2., any Certification or Notification required by 310 CMR 7.24(6)(c) or (e) shall be signed by an individual who is a Responsible Official regarding Stage II system compliance.

2. For Stage II systems owned by one party and leased, operated or controlled by another independent party and where both parties have separate Stage II compliance responsibilities, any Certification or Notification submitted in compliance with the requirements of 310 CMR 7.24(6)(c) or (e) shall be signed by Responsible Officials for each party regarding Stage II system compliance. Each Stage II System Responsible Official shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. that systems to maintain compliance are in place at the facility or, if applicable, at the location from which the tank truck is principally operated and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and

iii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

3. Any person immediately responsible for obtaining information referenced in 310 CMR 7.24(6)(f), who knowingly and willfully makes false, inaccurate, incomplete or misleading statements pursuant to any Certification or Notification required under 310 CMR 7.24(6), may be in violation of 310 CMR 7.24(6). Notwithstanding the previous sentence, any person subject to the requirements of 310 CMR 7.24(6), shall comply with all applicable

provisions of 310 CMR 7.24(6).

**(g) Compliance Testing Company Requirements**

1. On or after March 1, 2009, any person who owns, leases, operates or controls a company that performs Stage II compliance tests to meet the requirements of 310 CMR 7.24(6)(c) shall submit to the Department a fully completed Stage II Compliance Testing Company Notification, on a form obtained from the Department, prior to performing any required Stage II compliance test.

- a. the Notification shall include the following:
  - i. the name and business mailing address of the Stage II compliance testing company owner, operator, lessee or controller;
  - ii. the name and address of any business that is engaged in the installation or Substantial Modification of Stage II systems and is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;
  - iii. the name and address of any motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) that is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;
  - iv. the address and telephone number of the facility(ies) from which the daily compliance testing activities of the compliance testing company originate and at which any records required by 310 CMR 7.24(6)(g) 10. are maintained;
  - v. a written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are performed as required by applicable protocols and procedures, pursuant to 310 CMR 7.24(6)(g)6. and 7; and
  - vi. a list of all Compliance Testing Company Responsible Officials with the authority to sign Compliance Testing Company Certifications on behalf of the compliance testing company.
- b. Each Notification shall be signed by an individual who is a Responsible Official regarding the compliance testing company, who shall attest to the following:
  - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
  - ii. Employee training systems are in place at the company to ensure

Stage II compliance tests are performed as required by all applicable protocols and procedures and such training systems will be maintained for the coming year even if the protocols and procedures are changed over the course of the year; and

iii. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.

2. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall notify the Department in writing of any change to the information submitted to the Department pursuant to 310 CMR 7.24(6)(g) 1. within 14 days of the effective date of such change. Upon the Department's written request, the person shall submit a fully revised and completed Notification to the Department as required by the requirements of 310 CMR 7.24(6)(g) 1.

3. No person subject to 310 CMR 7.24(6)(g) shall perform any Stage II compliance test unless said person has first been trained in accordance with the applicable compliance test protocols and procedures required by 310 CMR 7.24(6)(g) 6. and 7.

4. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall submit, at least once every two weeks, a written list to the Department identifying all motor vehicle fuel dispensing facilities and tank trucks at which the company is scheduled to perform required Stage II compliance test(s) over the next 14 day period.

a. The list shall be organized by Department region and date, and shall include the name and address of each facility or tank truck to be tested, the applicable section under 310 CMR 7.24(6)(c) 2., 3., or 4., the required compliance tests to be performed, and the estimated time that the company expects to arrive at the facility location.

b. The Department shall be notified, in writing, of any change of date of an individual facility's scheduled compliance tests no later than 9a.m. of the day the scheduled test(s) is to occur. Additions to a submitted compliance-testing schedule shall be submitted to the Department, in writing, no less than two working days prior to the date of any scheduled test.

c. Failure to comply with the Notification requirements of 310 CMR 7.24(6)(g) 4. may be a basis for the Department to determine that tests conducted after inadequate notice are invalid.

5. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall immediately notify the Department of any failed Stage II compliance tests performed as required by 310 CMR 7.24(6)(c) if said person did not return to retest the Stage II system as required by 310 CMR 7.24(6)(c) 6. or 7. on or before the facility's Annual In-Use Compliance Certification submittal date, or within 30 days of the date of the Stage II system's first passing test result, which ever occurs first. Said person shall notify the Department regarding the name and address of the facility, and the facility's Facility Account Number.

6. Any person subject to 310 CMR 7.24(6)(g) shall perform compliance tests to meet

the requirements of 310 CMR 7.24(6)(c) only upon confirmation that:

a. all above ground Stage II system components including, but not limited to: dispensers; nozzles; swivels; hose retractors; hoses; breakaways; vapor check valves; and the pressure/vacuum valve(s) are installed as required and are the correct components as required by the terms and conditions of the system's currently applicable Executive Order; and

b. all motor vehicle fuel dispensing facilities with two or more motor vehicle fuel storage tanks are properly manifolded as required by the terms and conditions of the system's currently applicable Executive Order.

7. Any person subject to 310 CMR 7.24(6)(g), shall perform Stage II compliance tests to meet the requirements of 310 CMR 7.24(6) only in accordance with the applicable test procedures cited below:

a. Pressure Decay Test (Bay Area Air Pollution Control District Source Test Procedure ST-30 (2/6/1991)) and Table A. Minimum Allowable Pressure.

<b>Table A. MINIMUM ALLOWABLE PRESSURE</b> (Based on an initial pressure of 10.0" wc.)			
Ullage (Gal)	Minimum Allowable Pressure ("wc)	Ullage (Gal)	Minimum Allowable Pressure ("wc)
500	3.70	6,000	9.38
600	4.50	7,000	9.46
700	5.20	7,500	9.50
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,750	7.90	12,000	9.64
2,000	8.20	13,000	9.66
2,250	8.35	14,000	9.68
2,500	8.50	15,000	9.70
2,750	8.60	16,000	9.71
3,000	8.70	17,000	9.71
3,250	8.80	18,000	9.72
3,500	8.90	19,000	9.73
3,750	9.00	20,000	9.73
4,000	9.10	21,000	9.74
4,250	9.15	22,000	9.75
4,500	9.20	23,000	9.75
4,750	9.25	24,000	9.76
5,000	9.30	25,000	9.77
		30,000	9.80

Note: For a valid test, total ullage must be at least 500 gallons but no more than 30,000 gallons.

b. Underground Piping Check (Vapor Tie) Test (San Diego County Air Pollution Control District Test Procedure TP-96-1, Section 5.1.9)

c. Pressure/Vacuum Vent Test (Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, CARB TP-201.1E) P/V relief vents shall be tested to

be within .29oz/in<sup>2</sup> or 0.5 inches of water column of the designed pressure and within 1.2oz/in<sup>2</sup> or 2.0 inches of water column of the vacuum settings.

d. Air-to-Liquid Volume Ratio Test (CARB TP-201.5).

e. Dynamic Pressure/Liquid Blockage Test (CARB TP-201.4).

f. Healy 400 ORVR (Executive Order # G-70-186), Healy 400 ORVR Above Ground Storage System (Executive Order # G-70-187) and Franzen-Hill Cargo Tank Truck System (Executive Order # G-70-193)

Exhibit 4: Vapor Return Line Vacuum Integrity Test

Exhibit 5: Fillneck Vapor Pressure Regulation Fueling Test

Healy 600 (Executive Order # G-70-165)

Exhibit 4: Vapor Return Line Vacuum Integrity Test.

8. Any person subject to 310 CMR 7.24(6)(g) shall certify to the Department that each compliance test performed to meet the requirements of 310 CMR 7.24(6)(c) was performed as required by 310 CMR 7.24(6)(g) 6. and 7. As applicable, the Certification shall be submitted on a Stage II Installation/Substantial Modification Certification or Annual In-Use Compliance Certification and shall include:

a. the date each compliance test was first performed and the result; and

b. the date each compliance test was performed and passed.

c. a notation whether, (i) the entire installed Stage II system was tested and passed all applicable compliance tests or (ii) incorrectly installed, non-functioning or broken components were Isolated from the remainder of the installed Stage II system and the remainder of Stage II system was tested and passed all applicable compliance tests.

d. If the remainder of the Stage II system was tested and passed all applicable compliance tests, as noted in 310 CMR 7.24(6)(g) 8.c., identify all components Isolated from the remainder of the Stage II system.

9. Each Certification submitted pursuant to 310 CMR 7.24(6)(g) 8. shall be fully completed and signed by a Compliance Testing Company Responsible Official, who shall attest to the following:

a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and

b. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.

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10. Any person subject to 310 CMR 7.24(6)(g) shall maintain the following records on site, for a minimum of five years, at the location(s) referenced on the form submitted pursuant to 310 CMR 7.24(6)(g) 1.a.iv:

a. A complete set of records of compliance tests performed to meet the requirements of 310 CMR 7.24(6)(c). Such records shall include, by facility address:

- i. the date and first result for each required test performed;
- ii. the date each test was performed and passed; and
- iii. an itemized list of all Stage II system components re-installed, repaired or replaced as necessary for the system to pass the applicable test(s).

b. A current record of all persons or employees trained as required by 310 CMR 7.24(6)(g)3. Such record shall include the following: i. the date training was received; ii. the person or employee's printed name; and iii. the personal signature of the person or employee acknowledging receipt of required training.

11. All records maintained pursuant to 310 CMR 7.24(6)(g) 10. shall be made available to the Department or the US EPA immediately upon the request of either.

**(h) Violations of 310 CMR 7.24(6)**

For any person subject to 310 CMR 7.24(6) it shall be a violation of 310 CMR 7.24(6) to:

1. fail to submit any Certification or Notification required by to 310 CMR 7.24(6) as applicable;
2. make any false, inaccurate, incomplete or misleading statements in any Certification or Notification required by to 310 CMR 7.24(6);
3. make any false, inaccurate, incomplete or misleading statements in any record, report, plan, file, log or register which said person is required to keep pursuant to 310 CMR 7.24(6);
4. hold themselves out as a responsible official in violation of the applicable requirements of to 310 CMR 7.24(6);
5. fail to comply with any applicable standards imposed under 310 CMR 7.24(6); or
6. violate any other provision of 310 CMR 7.24(6).

**(i) Department Adopted CARB Stage II System Executive Orders.**

<b>Number</b>	<b>Description</b>
G-70-7-AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System.
G-70-14-AA	Recertification of Red Jacket Aspirator Assist Phase II Vapor Recovery System.
G-70-17-AD	Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System.
G-70-18-C	Modification of Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System.
G-70-23-AC	Recertification of the Exxon Balance Phase II Vapor Recovery System.
G-70-25-AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System.
G-70-33-AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System.
G-70-36-AD	Modification of Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-37-B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW nozzles for Service.
G-70-38-AB	Recertification of the Texaco Balance Phase II Vapor Recovery System.
G-70-48-AA	Recertification of the Mobil Oil Balance Phase II Vapor Recovery System.
G-70-49-AA	Recertification of the Union Balance Phase II Vapor Recovery System.
G-70-52-AM	Certification of Components for Red Jacket, Hirt and Balance Phase II Vapor Recovery System.
G-70-53-AA	Recertification of the Chevron Balance Phase II Vapor Recovery System.
G-70-77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-101-B	Certification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11 VE Vapor Recovery Nozzles.
G-70-107	Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-110	Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities.
G-70-118-AB	Certification of Amoco V-1 Vapor Recovery System.
G-70-125-AA	Modification of the Certification of the Husky Model V Phase II Balance Vapor Recovery Nozzle.
G-70-127	Certification of the OPW Model 111-V Phase Vapor Recovery Nozzle.
G-70-134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery System.
G-70-139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System.
G-70-150-AE	Modification of the Certification of the Gilbarco VaporVac Phase II Vapor Recovery System.
G-70-153-AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System.

G-70-154-AA	Modification to the Certification of the Tokheim MaxVac Phase II Vapor Recovery System.
G-70-159-AB	Modification of the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System.
G-70-163-AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System.
G-70-164-AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System.
G-70-165	Healy Vacuum Assist Phase II Vapor Recovery System.
G-70-169-AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System.
G-70-170	Certification of the EZ-flo Rebuilt 5005 and 5015 for use with the Balance Phase II Vapor Recovery System.
G-70-177-AA	Certification of the VCS400-7 Vacuum Assist Phase II Vapor Recovery System.
G-70-179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System.
G-70-180	Order Revoking Certification of the Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Systems.
G-70-183-AA	Certification of the Healy/Franklin Vacuum Assist Phase II Vapor Recovery System.
G-70-186	Certification of the Healy Model 400 ORVR Vapor Recovery System.
G-70-188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System.
G-70-191 AA	Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System(Healy ORVR Phase II Vapor Recovery System).
G-70-196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System
G-70-199-AJ	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 millileters per 1,000 Gallons Dispensed.
VR-201-A	Healy System Inc. Phase II Enhanced Vapor Recovery (EVR) System Not Including ISD
EVR-202-A	Healy Phase II Enhanced Vapor Recovery System Including Veeder-Root ISD System
G-70-204-A	Certification of the Gilbarco VaporVac/OPW Vaporsaver ORVR-Compatible System

**(j) Department Adopted CARB Stage II System Executive Orders for Above Ground Storage Tank Vapor Recovery Systems.**

<b>Number</b>	<b>Description</b>
G-70-102-A	<a href="#">Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels</a>

G-70-116-F	ConVault Aboveground Tank Vapor Recovery System
G-70-128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System
G-70-130A	Petrovault Aboveground Tank Vapor Recovery System
G-70-131A	Tank Vault Aboveground Tank Vapor Recovery System
G-70-132-A	Supervault Aboveground Tank Vapor Recovery System
G-70-132-B	Supervault Aboveground Tank Vapor Recovery System
G-70-136	FireSafe Aboveground Tank Vapor Recovery System
G-70-137	FuelSafe Aboveground Tank Vapor Recovery System
G-70-138	Phase II Vapor Recovery Systems Installed on Gasoline Bulk Plants/Dispensing Facilities with Aboveground Tanks
G-70-139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System
G-70-140-A	Integral Phase I and Phase II Aboveground Tank Configurations with the Healy Phase II Vapor Recovery System
G-70-142-B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks
G-70-143	P/T Vault Aboveground Tank Vapor Recovery System
G-70-147-A	New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant
G-70-148-A	Lube Cube Aboveground Tank Vapor Recovery System
G-70-152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System
G-70-155	Petroleum Marketing Aboveground Tank Vapor Recovery System
G-70-156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System
G-70-157	Ecovault Aboveground Tank Balance Vapor Recovery System
G-70-158-A	Firesafe Aboveground Tank Vapor Recovery System
G-70-160	Above Ground Tank Vault Vapor Recovery System
G-70-161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System
G-70-162-A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System
G-70-167	EnviroVault Aboveground Tank Vapor Recovery System
G-70-168	Bryant Fuel Systems Phase I Vapor Recovery System
G-70-175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems
G-70-181	Hirt VCS400-7 Bootless Nozzle Phase II Vapor Recovery System for Aboveground Storage Tank Systems
G-70-187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems
G-70-190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System

G-70-192	Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems
G-70-193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems
G-70-194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System
G-70-195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System
G-70-197	Synchrotek Fastflo 3 Phase II Vapor Recovery System
G-70-200	Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping
G-70-201	Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping
G-70-202	Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping

**(k) The provisions and requirements of 310 CMR 7.24 (6)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.**