

Stage II Vapor Recovery Program Instructions for Completing Form A

Stage II Form A Installation/Substantial Modification Certification

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 A Used?

Form A is used to notify MassDEP that a new Stage II system has been installed, or an existing Stage II system has been substantially modified, in accordance with program requirements and that all applicable installation compliance tests have been performed and passed as required.

- For purposes of the Stage II program, “substantially modified” means, the re-installation, repair or replacement of one or more Stage II system components including, but not limited to:
 1. 50% or more of the motor vehicle fuel (gasoline) dispensers (e.g., 2 of 4 dispensers);

Please Note: If a substantial modification occurs at a facility with two or fewer gasoline dispensers, the re-installation, repair or replacement of **all** the dispensers shall be a Substantial Modification.
 2. 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
 3. 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 gasoline storage tanks).

What is a CARB Executive Order?

A CARB Executive Order is a Stage II system-specific reference document, issued by the California Air Resources Board (CARB), and adopted by MassDEP, describing correct Stage II system installation, operation, and maintenance. CARB issues each Stage II system a separate Executive Order with a unique Executive Order number (for example, G-70-52-AM). CARB also issues Approval Letters to update existing Executive Orders

or to certify new or redesigned Stage II components for use with particular Executive Orders.

Please Note: Under the MassDEP Stage II regulation, CARB Executive Orders and Approval Letters are enforceable documents and Stage II systems must be installed, operated and maintained in accordance with the terms and conditions of each system's currently applicable CARB Executive Order and Approval Letters.

- Obtaining a copy of your Stage II system's Executive Order and Approval Letters is key to having accurate guidance on the installation, operation, and maintenance of your Stage II system. Your system's Executive Order number can be obtained from your Stage II System installation contractor or compliance testing company.

To obtain a copy of your Stage II system's CARB documents, please go to the CARB web page: <http://www.arb.ca.gov/vapor/eo-PhaseII.htm>

When are Compliance Tests Required?

All applicable installation compliance tests must be performed and passed prior to a newly installed or substantially modified Stage II system commencing operation (a Stage II system has "commenced operation" upon dispensing gasoline to intended end-users).

When is a Form A Submitted to MassDEP?

Form A must be submitted to MassDEP within 7 calendar days of said Stage II system performing and passing said tests.

Please Note: All compliance tests must be performed and passed within the 30 days prior to the postmarked date on the envelope used to submit the required Form A to MassDEP. Compliance tests performed and passed more than 30 days prior to the postmarked date on the envelope used to submit the required Form A are invalid and must be re-performed and passed as required.

Identification of Stage II System Responsible Officials with Authority to Sign Stage II Documents

For each Stage II System, a Responsible Official must be identified for purposes of ensuring Stage II program compliance. Depending on the contractual relationship between a Stage II facility owner and a lessee, both the facility owner and the lessee may identify a Responsible Official for those aspects of Stage II program compliance each is responsible for.

Please Note: In cases where both a Stage II facility owner and a lessee have identified a Responsible Official, in order for applicable Stage II documents to be submitted fully completed, each Responsible Official must answer those questions for which he or she is responsible and both must sign the applicable Stage II document attesting to the document's accuracy.

Who can be a Stage II System Responsible Official?

Any person identified to be a Stage II System Responsible Official must have authority to legally bind the business for those aspects of Stage II program compliance he or she is responsible for. The Stage II System 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.

Please Note: Within a corporation or a municipality or other public agency, the Stage II System Responsible Official must have the authority to bind the organization with respect to Stage II systems for which he or she has been designated as “Stage II System Responsible Official”. For example, in a large corporation, a district manager may be designated to serve as the Responsible Official for one or several Stage II Systems, as long as the designee has obtained the needed authority from the corporation.

What is the Stage II System Responsible Official Attesting To?

By signing the Form A Stage II System Responsible Official Compliance Certification, the Stage II System Responsible Official(s) 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 and that the information is true, accurate and complete; or
- based on his or her inquiry of the person(s) responsible for providing the information to which he or she is attesting, the information 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 certification 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 A be Submitted?

Please mail the Stage II Form A to:

MassDEP
Bureau of Air and Waste
Stage II Program
P.O. Box 120-165
Boston, MA 02112-0165

Directions for Completing Form A

Section A. Stage II System Documentation

- Stage II System Location
Enter the name and address of the facility where the Stage II system is installed.
- MassDEP Facility Account #
For existing facilities, enter the facility's MassDEP Facility Account #. For new facilities, where a MassDEP Facility Account # has not been issued, a MassDEP Facility Account # will be issued upon receipt of this Form A.
- CARB Executive Order #
Your Stage II system's CARB Executive Order number can be obtained from your Stage II installation contractor or compliance testing company.
- Questions A.4-8
Please answer correctly for your Stage II facility.

Section B. Stage II System Responsible Official Documentation

Section B. shall only be completed if the current contact information for one or both Stage II System Responsible Officials has changed from that currently on record in MassDEP's Stage II database.

If the contact information for one or both Stage II System Responsible Officials has changed, please provide the new Responsible Official contact information in Section B.1. and 2. and check the appropriate box in B.3. indicating the source of authority for each new Responsible Official.

Section C. New Stage II Annual Compliance Fee Billing Documentation

Section C. shall only be completed if the department name or company paying the annual Stage II Compliance Fee has changed from that currently on record in MassDEP's Stage II database.

Please Note: To ensure correct billing, please provide the effective date the new company became responsible for paying the Stage II Annual Compliance Fee.

Section D. Compliance Testing Company Certification

Section D. shall be completed by the Stage II Compliance Testing Company only. The Compliance Testing Company Responsible Official shall answer all questions in Section D. and sign the Compliance Testing Company Responsible Official Certification Statement attesting to the information contained in Section D. is true, accurate and complete.

Section E. Stage II System Responsible Official Compliance Certification

Section E. shall be completed by the Stage II System Responsible Official(s) only. As applicable, each Responsible Official shall answer those questions he or she is responsible for and sign and date the Stage II Responsible Official Certification Statement attesting to the information contained in this Certification is true, accurate and complete.

- If either Stage II System Responsible Official #1 or #2 has changed, the new Responsible Official must answer all questions in Section E. as applicable, and sign and date the Form A.

Stage II Materials and MassDEP Resources:

- To obtain a copy of your facility's **Stage II Executive Order**, please go to the CARB web page and search for your Stage II system's CARB Executive Order number:

<http://www.arb.ca.gov/vapor/eo-PhaseII.htm>

- To obtain a copy of the MassDEP **Stage II Vapor Recovery System Weekly Inspection Guidance**, please go to MassDEP's Stage II Web Page:

<http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>

Blank forms and instructions, program regulations, and additional Stage II materials are also available at MassDEP's Stage II web page:

If you have questions or need more information, please call MassDEP's Stage II Hotline (617-556-1035).