

Stage I Vapor Recovery Program Instructions for Completing Stage I Form A

Stage I Form A Installation/Substantial Modification Certification

These instructions have been designed to assist those who own and/or manage Stage I systems in completing forms required by the Department of Environmental Protection (MassDEP). Please refer to the full text of the Stage I Program regulations (310 CMR 7.00, Definitions, and 310 CMR 7.24(3), Distribution 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 a Stage I Form A Used?

Form A is used to notify MassDEP that a new Stage I system has been installed, or an existing Stage I 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 I program, “substantially modified” means, the re-installation, repair or replacement of one or more Stage I system components including, but not limited to:

The re-installation, repair or replacement of Stage I system components requiring excavation below a shear valve or tank pad (e.g., vent piping, vapor space tie bar, two-point or coaxial Stage I systems; or gasoline storage tanks).

When are Compliance Tests Required?

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

When is a Stage I Form A Submitted to MassDEP?

A Stage I Form A must be submitted to MassDEP within 7 calendar days of said Stage I 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.

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

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

Please Note: In cases where both a Stage I facility owner and a lessee have identified a Responsible Official, in order for applicable Stage I 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 I document attesting to the document's accuracy.

Who can be a Stage I System Responsible Official?

Any person identified to be a Stage I System Responsible Official must have authority to legally bind the business for those aspects of Stage I program compliance he or she is responsible for. The Stage I 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.
- In a trust, a trustee or any other natural person authorized to enter into contracts regarding the trust property.
- In a limited liability company, a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members.

Please Note: Within a corporation or a municipality or other public agency, the Stage I System Responsible Official must have the authority to bind the organization with respect to Stage I systems for which he or she has been designated as "Stage I 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 I Systems, as long as the designee has obtained the needed authority from the corporation.

What is the Stage I System Responsible Official Attesting To?

By signing the Form A. Stage I System Responsible Official Compliance Certification, the Stage I System Responsible Official(s) attests that, for each aspect of Stage I 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 I facility owner and/or operator has established to ensure that visual inspections and required tests are conducted, that broken or defective components are repaired or replaced and that required records are maintained.

How Should a Stage I Form A be Submitted to MassDEP?

To ensure that your **Stage I Vapor Recovery forms** are received by the MassDEP Stage I Vapor Recovery Program please use one of the following options below:

Email Address: MassDEP prefers that you submit Stage I forms by email.

aq.stage2@mass.gov

Mailing Address:

MassDEP
Stage I Vapor Recovery Program
100 Cambridge St., 9th floor, Suite 900
Boston, MA 02114

Directions for Completing a Stage I Form A

Section A. Stage I Form A Applicability

Indicate the type of activity that is occurring at the fuel dispensing facility. Select only **one**.

- The installation of a new Stage I motor vehicle fuel dispensing facility at a location where a fuel dispensing facility never existed.
- The substantial modification of an existing Stage I system.
- A Stage I system with tanks that were temporarily out of service that has reopened for fuel dispensing.

Section B. Stage I System Documentation

- Stage I System Location
Enter the name and address of the facility where the Stage I 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.
- Questions B.2-4

Please answer correctly for your Stage I facility.

Section C. Stage I System Responsible Official Documentation

Indicate the contact information, phone number, mailing address, and email address for one or both Stage I System Responsible Officials.

If the contact information for one or both Stage I System Responsible Officials has changed, from that currently on record in MassDEP's Stage I database, please provide the new Responsible Official contact information in Section C.1. and 2. and check the appropriate box in C.3., indicating the source of authority for each new Responsible Official.

Section D. Annual Fuel Dispensing Facility Compliance Fee Billing Documentation

Indicate the contact information, phone number, and mailing address for the company paying the annual Fuel Dispensing Facility Compliance Fee.

Section E. Compliance Testing Company Certification

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

Section F. Stage I System Responsible Official Compliance Certification

Section F. shall be completed by the Stage I 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 I Responsible Official Certification Statement attesting to the information contained in this Certification is true, accurate and complete.

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

Stage I Materials and MassDEP Resources:

- To obtain a copy of your facility's **Stage I Executive Order**, please go to the CARB web page and search for your Stage I system's CARB Executive Order number:
<http://www.arb.ca.gov/vapor/eo.htm>
- To obtain a copy of the MassDEP **Stage I Weekly Inspection Guidance**, please go to MassDEP's Stage I 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 I materials are also available at MassDEP's Stage I web page. ***If you have questions or need more information, please call MassDEP's Stage I Hotline (617-556-1035).***