



# MassDEP

Commonwealth of Massachusetts  
Department of Environmental Protection

## **Distribution of Motor Vehicle Fuel Stage I Requirements Enforcement Discretion Directive – 310 CMR 7.24(3)(b)2.b. and 310 CMR 7.24(3)(d)4.**

**October 1, 2021**

1. MassDEP is exercising enforcement discretion on the requirement in 310 CMR 7.24(3)(b)2.b., that any owner/operator of a motor vehicle fuel dispensing facility equipped with Stage I vapor control systems installed prior to January 2, 2015, must install a Stage I California Air Resources Board (CARB) certified Enhanced Vapor Recovery (EVR) System or a Stage I Component EVR System on or before January 2, 2022.

310 CMR 7.24(3)(b)2.b. states:

On or before seven years from January 2, 2015, install:

- i. A Stage I CARB EVR System in accordance with any one of the Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*, except in accordance with 310 CMR 7.24(3)(d)4.; or
- ii. A Stage I Component EVR System in accordance with the applicable Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*. and manufacturers' guidance, except in accordance with 310 CMR 7.24(3)(d)4.

Please note: "Stage I CARB EVR System"<sup>1</sup> and "Stage I Component EVR System"<sup>2</sup> requirements are applicable to underground storage tank systems and aboveground storage tank systems.

Due to supply chain and contractor availability limitations attributable to the Covid-19 pandemic, MassDEP will not enforce the January 2, 2022, deadline. The new deadline is January 2, 2023.

2. MassDEP is exercising enforcement discretion on the requirement in 310 CMR 7.24(3)(d)4., that any owner/operator of a motor vehicle fuel dispensing facility currently equipped with non-EVR "slip-on" spill buckets, may repair (including replace) such spill buckets until January 2, 2022, and may be used after January 2, 2022, until they need to be repaired or replaced.

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<sup>1</sup> STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB pursuant to a Phase I Executive Order to prevent discharge to the atmosphere of at least 98% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

<sup>2</sup> "STAGE I COMPONENT ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means: (a) for an underground storage tank, a vapor balance system constructed from components identified in any one of the Phase I Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*. including, but not be limited to, the following components: spill containment buckets, drain valves, dust caps, rotatable product adaptors, riser adaptors, drop tubes, rotatable vapor adaptors, tank gauge ports, and pressure/vacuum vent valves; and (b) for aboveground storage tanks, a vapor balance system constructed from components identified in any of the Phase I Executive Orders and applicable Standing Loss Control Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 2*."

310 CMR 7.24(3)(d)4. states: Any replacement of an incorrectly installed, non-functioning or broken Stage I components shall be with a CARB EVR component and shall be installed in accordance with the applicable Executive Orders and manufacturers' guidance, except that an existing non-EVR "slip-on" spill bucket may be repaired (including replaced) until seven years from January 2, 2015, and may be used after seven years from January 2, 2015, until it needs to be repaired or replaced.

Due to supply chain and contractor availability limitations attributable to the Covid-19 pandemic, MassDEP will not enforce the January 2, 2022, deadline. The new deadline is January 2, 2023 and non-EVR "slip-on" spill buckets may continue to be used after January 2, 2023, until they need to be repaired or replaced.

This document does not constitute "final agency action," and is not "regulation" as that term is used in M.G.L. c. 30A. It may not be relied upon to create rights, duties, obligations, or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this enforcement discretion directive does not exempt any person from complying with the other requirements in 310 CMR 7.24(3) or any other applicable local, state or federal law.

If you have any questions concerning this Directive, please call the MassDEP Stage I Hotline at: 617-556-1035 ext. 1 or email the Stage I Staff at: [aq.stage2@mass.gov](mailto:aq.stage2@mass.gov)