

Stage II Vapor Recovery Program Instructions for Completing Form E

Stage II Form E **New Stage II System Owner, Lessee, Operator or Controller** **Notification**

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 are not a substitute for the Program regulations.

When Is Form E Used?

Form E is used to notify MassDEP of a change in a facility's Stage II System owner, lessee, operator or controller, **including** applicable Stage II System Responsible Official(s) and recipients of Annual Stage II Compliance Fee billing documents.

When Is a Form E Submitted to MassDEP?

Form E must be submitted to MassDEP within 30 days of any change of Stage II System owner, lessee, operator or controller, Responsible Official or company receiving Annual Stage II Compliance Fee billing documents.

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 question 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 E. 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 E be Submitted to MassDEP?

Please mail the Stage II Form E to:

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

Directions For Completing Form E

Section A. New Stage II Facility Documentation

1. Former Stage II Facility Documentation

To ensure the correct facility records are updated, please provide the Stage II facility's name, address and MassDEP customer code number on record in the MassDEP Stage II database.

Please Note: Former facility specific information, as found in the MassDEP Stage II database (name, address, MassDEP customer code #, etc), can be found on copies of a facility's previous years annual certification documents or by calling the MassDEP Stage II Hotline (617-556-1035).

2. New Stage II Facility Documentation: If the name of the Stage II facility has changed, please provide the new facility name and address.

Section B. New 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 found 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 check the appropriate box in B.2. 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 or company paying the annual Stage II Compliance Fee has changed from that currently on record in the MassDEP 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. Underground Storage Tank (UST) Ownership Information

Complete and submit an updated UST Facility Registration form if the Stage II Responsible Officials are new the owners of the USTs.

Section E. Stage II System Responsible Official Compliance Certification

Section E. shall be completed by the Stage II System Responsible Official(s). As applicable, each Responsible Official shall answer those questions he or she is responsible for and sign and date the Form as required.

Please Note:

- 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 E.
- To obtain a copy of your facility's Stage II **CARB Executive Order**, please go to the CARB web page: <http://www.arb.ca.gov/vapor/eo-PhaseII.htm> and search for your Stage II system's CARB Executive Order number:
- 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>

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