



Department of Environmental Protection

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Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic

(Issue Date: April 28, 2020)
(Amended August 26, 2020)

The Massachusetts Department of Environmental Protection (MassDEP) is amending its April 28, 2020 Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic (Amended Guidance). Effective on August 26, 2020, MassDEP is implementing the following Amended Guidance resulting from the COVID-19 pandemic and pertaining to Underground Storage Tanks Regulation (310 CMR 80.00) and Stage I Vapor Recovery Regulation (310 CMR 7.24(3)).

Effective August 26, 2020, the Massachusetts Department of Environmental Protection (MassDEP), per its authority to amend and update Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic (4/28/2020), has determined the following modifications are necessary to protect public water supplies and public health.

1. Underground Storage Tank (UST) and Stage I Vapor Recovery (Stage I) Owner/Operators with facilities subject to this Amended Guidance with applicable testing and/or inspection and certification submittal deadlines, and enforcement deadlines between March 10, 2020 and September 30, 2020, shall comply with all applicable testing, inspection and certification submittal requirements, and enforcement deadlines listed below on or before December 1, 2020.
2. UST and Stage I facility Owner/Operators with facilities subject to this Amended Guidance with compliance deadlines starting after September 30, 2020, shall comply with all applicable testing, inspection and certification submittal requirements listed below on the regular schedule as dictated in the regulations (Underground Storage Tanks Regulation (310 CMR 80.00) and Stage I Vapor Recovery Regulation (310 CMR 7.24(3))).
3. UST and Stage I facility Owner/Operators with facilities subject to this Amended Guidance and claim to be unable to comply with the testing, inspection and compliance certification submittal deadlines or enforcement deadlines in 1. or 2. above, due to complications associated with the COVID-19 pandemic shall notify MassDEP of such complications on or before 14 days prior to the facility's applicable compliance deadline.

Stage I Vapor Recovery Program (310 CMR 7.24(3)) Regulatory Requirements

- Compliance testing and submittal of Annual Compliance Certifications (Form C). (310 CMR 7.24(3)(e)4.)
- Compliance testing as applicable, and submittal of Alternative Annual Compliance Certifications (Form D1 & D2). (310 CMR 7.24(3)(e)5.)
- Compliance testing and, or, submittal of annual compliance certifications subject to enforcement.

Underground Storage Tank Program (310 CMR 80.00) Regulatory Requirements

- Third-party inspection and submittal of Third-Party Inspection Reports. (310 CMR 80.49(2))
- Third-party inspection and submittal of Third-Party Inspection Return to Compliance Completion Reports. (310 CMR 80.49(7)(c)3.)
- Submittal of Compliance Certifications. (310 CMR 80.34(1))
- Submittal of Compliance Certification Return to Compliance Plans. (310 CMR 80.32(2))
- Third-Party Inspections and submittal of Third-Party Inspection Reports, Third-Party Inspection Return to Compliance Completion Reports, and Compliance Certifications and submittal of Compliance Certifications and Compliance Certification Return to Compliance Plans, subject to enforcement.
- UST Compliance Tests: Required UST component “operational” tests to determine components are operating correctly, including, but not limited to testing of turbine, intermediate and dispenser sumps, spill buckets, leak detection systems, automatic line leak detectors, overfill prevention equipment, and cathodic protection if applicable. (310 CMR 80.26 – 80.29)

MassDEP will coordinate with other agencies in situations where MassDEP shares jurisdiction over a regulated entity’s environmental compliance obligations. MassDEP will amend and update this Guidance if MassDEP determines modifications are necessary.

All other Stage I vapor recovery requirements under 310 CMR 7.24(3) and underground storage tank requirements under 310 CMR 80.00 not identified above are in effect and shall be met. MassDEP expects that all regulated entities will continue to operate in a manner that is safe and protects the public and the environment.

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 Guidance does not exempt any person from complying with any other applicable local, state or federal law. For more information, call:

1. Stage I Program: (617) 556-1035 #1
2. UST Program: (617) 556-1035 #2