

Stage II Vapor Recovery Program Instructions for Completing Form D1

Alternative Annual In-Use Compliance Certification Program

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.

Alternative Annual In-Use Compliance Certification Applicability Requirements

Alternative Annual In-Use Compliance Certifications (Form D1 and D2) may **only** be used by a Stage II facility where the most recent two consecutive years' Form C Annual In-Use Compliance Certifications meet the following conditions:

- all required in-use compliance tests were performed and passed on the **first** try; and
- the Form C certifications were submitted on or before the compliance submittal due date; and
- in compliance with all other applicable certification submittal requirements.

Alternative Annual In-Use Compliance Certification Submittal Requirements

Under Alternative Annual In-Use Compliance Certification program, applicable Stage II systems are allowed to perform required in-use compliance testing on an every other year basis.

- In the first year of applicability, a fully completed Form D1 must be submitted and **no** in-use compliance tests are required to be performed and passed to complete the certification.
- In the second year, if the Form D1 was submitted on or before the compliance submittal due date, a Form D2 will be issued to the facility and **all** applicable in-use compliance certification tests must be performed and passed.

Please Note: As long as all certification submittal requirements are met each year, an applicable Stage II system will continue to submit Alternative Annual In-Use Compliance Certifications.

A Stage II system that fails to submit a certification in compliance with all applicable requirements must again submit to MassDEP two consecutive years' Form Cs in compliance with Alternative Annual In-Use Compliance Certification applicability requirements.

When is an Alternative Annual In-Use Compliance Certification Submitted to MassDEP?

Alternative Annual In-Use Compliance Certifications must be submitted to MassDEP by the one-year anniversary of the submittal date of the facility's previous year's in-use compliance certification, as applicable.

Please Note:

- The only time a facility's certification submittal due date will change is if a certification is postmarked to MassDEP more than 30 days **prior** to the facility's currently applicable certification submittal date. In such circumstances, the facility's certification submittal date the subsequent year will be one year from the date of the current year's submittal.
- Certifications submitted to MassDEP **after** a facility's applicable certification submittal date **will not** result in a facility's certification due date being changed to a later date for the following year's certification.

What Time Period Does Form D1 Apply To?

Form D1 applies to that period of time between the date on which the last Form C (or Form D2, if the system is currently participating in the Alternative Annual In-Use Compliance Certification program) was submitted and the date the current Form D1 is submitted to MassDEP.

Who Must Sign Form D1? To ensure the Stage II system is correctly operated and maintained in accordance with program requirements, all questions contained in Form D1, Sections A. and C. must be fully completed by the person(s) responsible for ensuring compliance for those aspects of Stage II program requirements.

- If only one person is responsible for all aspects of Stage II program requirements, then that person must fully answer all questions contained in Sections A. and C. and sign Form D1 as Stage II System Responsible Official #1.
- If two people are responsible for different aspects of the Stage II program requirements, then each person must answer those questions contained in Sections A. and C. for which he/she is responsible, and sign Form C as Stage II System Responsible Official # 1 and Stage II System Responsible Official #2 respectively, as identified in Section A. 2. and 3.

The Responsible Official(s) must review all information about Stage II system compliance activities required by Form D1 (including backup information that provides the basis for answers to questions on this Form) to make sure that the information is true, accurate and complete. The Responsible Official(s) can base his or her certification on an inquiry of the individuals responsible for obtaining information about applicable compliance activities.

What Must the Stage II System Responsible Official Attest To?

By signing Form D1 Stage II System Responsible Official Compliance Certification Statement, the Stage II System Responsible Official attests that, for each aspect of Stage II program compliance 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; or

based on his or her inquiry of the person(s) responsible for providing the information, the information to which he or she is attesting 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 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 D1 be Submitted to MassDEP?

Please mail the Stage II Form D1 to:

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

Directions for Completing Form D1

Section A. Stage II System Documentation

Please fully answer all Stage II System Documentation questions in Section A.

Section B. In-Use Compliance Certification Submittal Requirement

If you do not know your facility’s Stage II compliance certification submittal date, please contact your Stage II Compliance Testing Company of the MassDEP Stage II Hotline (617- 556-1035).

Section C. Stage II Facility Compliance Certification

This Section must be fully completed by the Stage II System Responsible Official(s) **only**, as applicable and includes a certification statement that must be signed by the Stage II System Responsible Official(s) attesting to the contents of Section D. being true, accurate, and complete.

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).