

FAQ's for Stage I Annual Testing

Q: What does the CT DEEP COVID-19 enforcement discretion guidance provide for parties complying with environmental rules?

DEEP has not issued general enforcement discretion guidance at this time, specific waivers for applicable regulatory provisions that have been issued can be found on DEEP's [COVID-19](#) page. Regulated entities are expected to comply with Connecticut's environmental laws during the public health emergency. Should, however, extenuating circumstances associated with the COVID-19 emergency prevent a regulated entity from fully complying with environmental laws, DEEP recommends that the regulated entity document in detail and communicate in writing with DEEP as soon as practicable concerning the entity's inability to achieve full compliance. DEEP's full statement on enforcement can be found on the [DEEP Enforcement](#) page.

Q: Is the Annual Stage I Compliance test subject to this enforcement discretion guidance?

Not at this time. However, a station owner is not out of compliance unless it fails to complete the annual test by December 31st as required by the Stage I Vapor Recovery Regulation at RCSA 22a-174-30a. This gives the station owner seven months to conduct the test.

If so, how do I get approval to use it for Stage I vapor recovery requirements?

Station owners have until December 31st to complete the Stage I annual test, therefore enforcement discretion is not necessary at this time. If the station owner is unable to complete the test by mid-December, the owner should send a compliance test extension request to the [Stage1 Program](#). The request should contain a detailed justification explaining why testing could not be performed in 2020 because of issues related to the pandemic.

Q: I know all Stage I Annual Inspections and testing must be completed by December 31st each year. What are the benefits or disadvantages of deferring this test to later in the year as opposed to maintaining my current schedule?

There is no benefit to postponing Stage I testing (pressure decay, vapor-space tie-in, and pressure/vacuum vent valve tests) until later in the year, only disadvantages, as testers contracted to perform the required tests may be unable to accommodate a station's request for testing due to overwhelming demand as the testing deadline approaches. However, there is a big advantage to completing the tests now, as due to the pandemic, traffic in and out of the station is greatly reduced due to the pandemic, so the loss of business that normally occurs when the station is closed for testing is greatly minimized. Additionally, by performing testing now, there is no chance that you will be in violation for not completing the tests by the end of the calendar year.

Would I be able to get an extension beyond December 31st?

Due to the time of the year that this pandemic is occurring, there is no need to provide any type of deferral or need to apply discretion for the testing required by CT's Stage I Vapor Recovery regulation. As of May, station owners still have over seven (7) months to complete testing. However, come December if the station owner can legitimately justify to DEEP that testing could not be conducted during the entire course of the year because of the pandemic, DEEP may consider exercising its enforcement discretion. If enforcement discretion is granted, the 2020 test will be required in early 2021 **AND** the 2021 annual compliance test must be conducted later in the year prior to December 31, 2021.

Q: If DEEP officials are required to witness my Annual Stage I test will I have to redo my test once they return to the field?

No. However, facility owners should keep in mind that they are responsible for their testing contractors to send in the test notification form seven (7) business days in advance, and the test report must be submitted on the required report form within ten (10) business days of test completion.

What should I do to minimize the potential for receiving notice of violation and the top things I should do or avoid while I continue testing?

Continue to comply with all of the record keeping, monitoring, and testing obligations as required by the Stage I Vapor Recovery Regulation, RCSA 22a-174-30a. Complete the tests in accordance with state, federal and CARB (California Air Resources Board) requirements, maintain all systems in proper working order, do not bypass or disable any device which controls emissions or monitors storage tank activity, and comply with any applicable federal regulations.

Q: Prior to performing the Annual Stage I Vapor Recovery test the UST must be filled with enough product and corresponding ullage, in order for the test to be accurate. I am having difficulty paying for full-loads as my sales volumes have dropped dramatically due to the stay at home orders. Can I defer performing the annual test until my sales rebound?

There is no requirement in the regulation for the tank(s) to be full or for the station to receive a full load of gasoline. However, there is a maximum total ullage of 25,000 gallons for all manifolded tanks, and each individual tank must have a minimum ullage of 1,000 gallons or 25% of the tank capacity, whichever is less.