

Environmental Protection Agency

§ 80.155

timely written response, and the Administrator decides after reviewing the response and the transcript of any informal hearing to disqualify the detergent for use in complying with the requirements of this subpart, the Administrator shall issue a final disqualification order, forward a copy of the disqualification order to the registrant by certified mail, and promptly publish the disqualification order in the FEDERAL REGISTER. Any disqualification order issued after receipt of a timely written response by the registrant shall become legally effective five days after it is published in the FEDERAL REGISTER.

(6) Upon making a final decision to disqualify a detergent additive package pursuant to this paragraph (g), EPA shall inform all fuel manufacturers and secondary additive manufacturers whose product registrations report the potential use of the disqualified detergent that such detergent is no longer eligible for compliance with the requirements of this subpart. Such fuel manufacturers and secondary additive manufacturers shall have 45 days in which to stop using the ineligible detergent additive package and substitute an eligible detergent additive. When applicable, EPA shall also notify such parties that the detergent registration had been created by fraud or other misconduct, pursuant to paragraph (g)(2) of this section.

[59 FR 54706, Nov. 1, 1994, as amended at 61 FR 35356, July 5, 1996; 61 FR 58747, Nov. 18, 1996]

§§ 80.142–80.154 [Reserved]

§ 80.155 Interim detergent program controls and prohibitions.

(a)(1) No person shall sell, offer for sale, dispense, supply, offer for supply, transport, or cause the transportation of gasoline to the ultimate consumer for use in motor vehicles or in any off-road engines (except as provided in § 80.160), or to a gasoline retailer or wholesale purchaser-consumer, and no person shall detergent-additize gasoline, unless such gasoline is additized in conformity with the requirements of § 80.141. No person shall cause the presence of any gasoline in the gasoline distribution system unless such gaso-

line is additized in conformity with the requirements of § 80.141.

(2) Gasoline has been additized in conformity with the requirements of § 80.141 when the detergent component satisfies the requirements of § 80.141 and when:

(i) The gasoline has been additized in conformity with the detergent composition and purpose-in-use specifications of an applicable detergent registered under 40 CFR part 79, and in accordance with at least the minimum concentration specifications of that detergent as registered under 40 CFR part 79 or as otherwise provided under § 80.141(d); or

(ii) The gasoline is composed of two or more commingled gasolines and each component gasoline has been additized in conformity with the detergent composition and purpose-in-use specifications of a detergent registered under 40 CFR part 79, and in accordance with at least the minimum concentration specifications of that detergent as registered under 40 CFR part 79 or as otherwise provided under § 80.141(d); or

(iii) The gasoline is composed of a gasoline commingled with a post-refinery component (PRC), and both of these components have been additized in conformity with the detergent composition and use specifications of a detergent registered under 40 CFR part 79, and in accordance with at least the minimum concentration specifications of that detergent as registered under 40 CFR part 79 or as otherwise provided under § 80.141(d).

(b) No person shall blend detergent into gasoline or PRC unless such person complies with the volumetric additive reconciliation requirements of § 80.157.

(c) No person shall sell, offer for sale, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline, detergent, or detergent-additized PRC unless the product transfer document for the gasoline, detergent or detergent-additized PRC complies with the requirements of § 80.158.

(d) No person shall refine, import, manufacture, sell, offer for sale, dispense, supply, offer for supply, store, transport, or cause the transportation

of any detergent that is to be used as a component of detergent-additized gasoline or detergent-additized PRC, unless such detergent conforms with the composition specifications of a detergent registered under 40 CFR part 79 and the detergent otherwise complies with the requirements of § 80.141. No person shall cause the presence of any detergent in the detergent, PRC, or gasoline distribution systems unless such detergent complies with the requirements of § 80.141.

(e)(1) No person shall sell, offer for sale, dispense, supply, offer for supply, transport, or cause the transportation of detergent-additized PRC, unless the PRC has been additized in conformity with the requirements of § 80.141. No person shall cause the presence in the PRC or gasoline distribution systems of any detergent-additized PRC that fails to conform to the requirements of § 80.141.

(2) PRC has been additized in conformity with the requirements of § 80.141 when the detergent component satisfies the requirements of § 80.141 and:

(i) The PRC has been additized in accordance with the detergent composition and use specifications of a detergent registered under 40 CFR part 79, and in accordance with at least the minimum concentration specifications of that detergent as registered under 40 CFR part 79 or as otherwise provided under § 80.141(d); or

(ii) The PRC is composed of two or more commingled PRCs, and each component has been additized in accordance with the detergent composition and use specifications of a detergent registered under 49 CFR part 79, and in accordance with at least the minimum concentration specifications of that detergent as registered under 40 CFR part 79 or as otherwise provided under § 80.141(d).

[61 FR 35358, July 5, 1996]

§ 80.156 Liability for violations of the interim detergent program controls and prohibitions.

(a) *Persons liable*—(1) *Gasoline non-conformity*. Where gasoline contained in any storage tank at any facility owned, leased, operated, controlled or supervised by any gasoline refiner, importer,

carrier, distributor, reseller, retailer, wholesale purchaser-consumer, oxygenate blender, or detergent blender, is found in violation of any of the prohibitions specified in § 80.155(a), the following persons shall be deemed in violation:

(i) Each gasoline refiner, importer, carrier, distributor, reseller, retailer, wholesale purchaser-consumer, oxygenate blender, or detergent blender, who owns, leases, operates, controls or supervises the facility (including, but not limited to, a truck or individual storage tank) where the violation is found;

(ii) Each gasoline refiner, importer, distributor, reseller, retailer, wholesale purchaser-consumer, oxygenate blender, detergent manufacturer, distributor, or blender, who refined, imported, manufactured, sold, offered for sale, dispensed, supplied, offered for supply, stored, detergent additized, transported, or caused the transportation of the detergent-additized gasoline (or the base gasoline component, the detergent component, or the detergent-additized post-refinery component of the gasoline) that is in violation, and each such party that caused the gasoline that is in violation to be present in the gasoline distribution system; and

(iii) Each gasoline carrier who dispensed, supplied, stored, or transported any gasoline in the storage tank containing gasoline found to be in violation, and each detergent carrier who dispensed, supplied, stored, or transported the detergent component of any post-refinery component or gasoline in the storage tank containing gasoline found to be in violation, provided that the EPA demonstrates, by reasonably specific showings by direct or circumstantial evidence, that the gasoline or detergent carrier caused the violation.

(2) *Post-refinery component non-conformity*. Where detergent-additized PRC contained in any storage tank at any facility owned, leased, operated, controlled or supervised by any gasoline refiner, importer, carrier, distributor, reseller, retailer, wholesale purchaser-consumer, oxygenate blender, detergent manufacturer, carrier, distributor, or blender, is found in violation of the prohibitions specified in