

H., Nylund, L., Tokiwa, H., Vink, I.G.R., Wang, Y., Warshawsky, D., "Results of the IPCS Collaborative Study on Complex Mixtures" Mutation Research 276:23-32 (1992).

(10) Claxton, L., Douglas, G., Krewski, D., Lewtas, J., Matsushita, H., Rosenkranz, H., "Overview, conclusions, and recommendations of the IPCS Collaborative Study on Complex Mixtures" Mutation Research 276:61-80 (1992).

(11) Houk, V.S., Schalkowsky, S., and Claxton, L.D., "Development and Validation of the Spiral Salmonella Assay: An Automated Approach to Bacterial Mutagenicity Testing" Mutation Research 223:49-64 (1989).

(12) Jones, E., Richold, M., May, J.H., and Saje, A. "The Assessment of the Mutagenic Potential of Vehicle Engine Exhaust in the Ames Salmonella Assay Using a Direct Exposure Method" Mutation Research 97:35-40 (1985).

(13) Maron, D., and Ames, B. N., Revised methods for the Salmonella mutagenicity test, Mutation Research, 113:173-212 (1983).

(14) Prival, M.J., and Mitchell, V.D. "Analysis of a method for testing azo dyes for mutagenic activity in *Salmonella typhimurium* in the presence of flavin mononucleotide and hamster liver S-9," Mutation Research 97:103-116 (1982).

(15) Rosenkranz, H.S., et.al. "Nitropyrenes: Isolation, identification, and reduction of mutagenic impurities in carbon black and toners" Science 209:1039-43 (1980).

(16) Stump, F., Snow, R., et.al., "Trapping gaseous hydrocarbons for mutagenic testing" SAE Technical Paper Series, No. 820776 (1982).

(17) Vogel, H.J., Bonner, D.M. "Acetylornithinase of *E. coli*: partial purification and some properties," Journal of Biological Chemistry. 218:97-106 (1956).

[59 FR 33093, June 27, 1994, as amended at 61 FR 36513, July 11, 1996]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Subpart A—General Provisions

Sec.

80.1 Scope.

80.2 Definitions.

80.3 Test methods.

80.4 Right of entry; tests and inspections.

80.5 Penalties.

80.7 Requests for information.

80.8 Sampling methods for gasoline and diesel fuel.

80.9 Rounding a test result for determining conformance with a fuels standard.

Subpart B—Controls and Prohibitions

80.20-80.21 [Reserved]

80.22 Controls and prohibitions.

80.23 Liability for violations.

80.24 Controls applicable to motor vehicle manufacturers.

80.25 [Reserved]

80.26 Confidentiality of information.

80.27 Controls and prohibitions on gasoline volatility.

80.28 Liability for violations of gasoline volatility controls and prohibitions.

80.29 Controls and prohibitions on diesel fuel quality.

80.30 Liability for violations of diesel fuel control and prohibitions.

80.32 Controls applicable to liquefied petroleum gas retailers and wholesale purchaser-consumers.

80.33 Controls applicable to natural gas retailers and wholesale purchaser-consumers.

Subpart C—Oxygenated Gasoline

80.35 Labeling of retail gasoline pumps; oxygenated gasoline.

80.36-80.39 [Reserved]

Subpart D—Reformulated Gasoline

80.40 Fuel certification procedures.

80.41 Standards and requirements for compliance.

80.42 Simple emissions model.

80.43-80.44 [Reserved]

80.45 Complex emissions model.

80.46 Measurement of reformulated gasoline fuel parameters.

80.47 [Reserved]

80.48 Augmentation of the complex emission model by vehicle testing.

80.49 Fuels to be used in augmenting the complex emission model through vehicle testing.

80.50 General test procedure requirements for augmentation of the emission models.

80.51 Vehicle test procedures.

80.52 Vehicle preconditioning.

80.53-80.54 [Reserved]

80.55 Measurement methods for benzene and 1,3-butadiene.

80.56 Measurement methods for formaldehyde and acetaldehyde.

80.57-80.58 [Reserved]

80.59 General test fleet requirements for vehicle testing.

Pt. 80

40 CFR Ch. I (7-1-06 Edition)

- 80.60 Test fleet requirements for exhaust emission testing.
- 80.61 [Reserved]
- 80.62 Vehicle test procedures to place vehicles in emitter group sub-fleets.
- 80.63-80.64 [Reserved]
- 80.65 General requirements for refiners and importers.
- 80.66 Calculation of reformulated gasoline properties.
- 80.67 Compliance on average.
- 80.68 Compliance surveys.
- 80.69 Requirements for downstream oxygenate blending.
- 80.70 Covered areas.
- 80.71 Descriptions of VOC-control regions.
- 80.72 Procedures for opting out of the covered areas.
- 80.73 Inability to produce conforming gasoline in extraordinary circumstances.
- 80.74 Recordkeeping requirements.
- 80.75 Reporting requirements.
- 80.76 Registration of refiners, importers or oxygenate blenders.
- 80.77 Product transfer documentation.
- 80.78 Controls and prohibitions on reformulated gasoline.
- 80.79 Liability for violations of the prohibited activities.
- 80.80 Penalties.
- 80.81 Enforcement exemptions for California gasoline.
- 80.82 Butane blending.
- 80.83 Renewable oxygenate requirements.
- 80.84 Treatment of interface and transmix.
- 80.85-80.89 [Reserved]

Subpart E—Anti-Dumping

- 80.90 Conventional gasoline baseline emissions determination.
- 80.91 Individual baseline determination.
- 80.92 Baseline auditor requirements.
- 80.93 Individual baseline submission and approval.
- 80.94 Requirements for gasoline produced at foreign refineries.
- 80.95-80.100 [Reserved]
- 80.101 Standards applicable to refiners and importers.
- 80.102 [Reserved]
- 80.103 Registration of refiners and importers.
- 80.104 Recordkeeping requirements.
- 80.105 Reporting requirements.
- 80.106 Product transfer documents.
- 80.107-80.124 [Reserved]

Subpart F—Attest Engagements

- 80.125 Attest engagements.
- 80.126 Definitions.
- 80.127 Sample size guidelines.
- 80.128 Alternative agreed upon procedures for refiners and importers.
- 80.129 [Reserved]
- 80.130 Agreed upon procedures reports.

- 80.131 Agreed upon procedures for GTAB, certain conventional gasoline imported by truck, previously certified gasoline used to produce gasoline, and butane blenders.
- 80.132 [Reserved]
- 80.133 Agreed-upon procedures for refiners and importers.
- 80.134-80.135 [Reserved]

Subpart G—Detergent Gasoline

- 80.140 Definitions.
- 80.141 Interim detergent gasoline program.
- 80.142-80.154 [Reserved]
- 80.155 Interim detergent program controls and prohibitions.
- 80.156 Liability for violations of the interim detergent program controls and prohibitions.
- 80.157 Volumetric additive reconciliation (“VAR”), equipment calibration, and recordkeeping requirements.
- 80.158 Product transfer documents (PTDs).
- 80.159 Penalties.
- 80.160 Exemptions.
- 80.161 Detergent additive certification program.
- 80.162 Additive compositional data.
- 80.163 Detergent certification options.
- 80.164 Certification test fuels.
- 80.165 Certification test procedures and standards.
- 80.166 Carburetor deposit control performance test and test fuel guidelines.
- 80.167 Confirmatory testing.
- 80.168 Detergent certification program controls and prohibitions.
- 80.169 Liability for violations of the detergent certification program controls and prohibitions.
- 80.170 Volumetric additive reconciliation (VAR), equipment calibration, and recordkeeping requirements.
- 80.171 Product transfer documents (PTDs).
- 80.172 Penalties.
- 80.173 Exemptions.
- 80.174 Addresses.

Subpart H—Gasoline Sulfur

GENERAL INFORMATION

- 80.180-80.185 [Reserved]
- 80.190 Who must register with EPA under the sulfur program?

GASOLINE SULFUR STANDARDS

- 80.195 What are the gasoline sulfur standards for refiners and importers?
- 80.200 What gasoline is subject to the sulfur standards and requirements?
- 80.205 How is the annual refinery or importer average and corporate pool average sulfur level determined?
- 80.210 What sulfur standards apply to gasoline downstream from refineries and importers?

- 80.211 What are the requirements for treating imported gasoline as blendstock?
- 80.212 What requirements apply to oxygenate blenders?
- 80.213 What alternative sulfur standards and requirements apply to transmix processors and transmix blenders?
- 80.214 [Reserved]

GEOGRAPHIC PHASE-IN PROGRAM

- 80.215 What is the scope of the geographic phase-in program?
- 80.216 What standards apply to gasoline produced or imported for use in the GPA?
- 80.217 How does a refiner or importer apply for the GPA standards?
- 80.218 [Reserved]
- 80.219 Designation and downstream requirements for GPA gasoline.
- 80.220 What are the downstream standards for GPA gasoline?

HARDSHIP PROVISIONS

- 80.225 What is the definition of a small refiner?
- 80.230 Who is not eligible for the hardship provisions for small refiners?
- 80.235 How does a refiner obtain approval as a small refiner?
- 80.240 What are the small refiner gasoline sulfur standards?
- 80.245 How does a small refiner apply for a sulfur baseline?
- 80.250 How is the small refiner sulfur baseline and volume determined?
- 80.255 Compliance plans and demonstration of commitment to produce low sulfur gasoline.
- 80.260 What are the procedures and requirements for obtaining a hardship extension?
- 80.265 How will the EPA approve or disapprove a hardship extension application?
- 80.270 Can a refiner seek temporary relief from the requirements of this subpart?

ALLOTMENT TRADING PROGRAM

- 80.271 How can a small refiner obtain an adjustment of its 2004-2007 per-gallon cap standard?
- 80.275 How are allotments generated and used?

AVERAGING, BANKING AND TRADING (ABT) PROGRAM—GENERAL INFORMATION

- 80.280 [Reserved]
- 80.285 Who may generate credits under the ABT program?
- 80.290 How does a refiner apply for a sulfur baseline?

ABT PROGRAM—BASELINE DETERMINATION

- 80.295 How is a refinery sulfur baseline determined?
- 80.300 [Reserved]

ABT PROGRAM—CREDIT GENERATION

- 80.305 How are credits generated during the time period 2000 through 2003?
- 80.310 How are credits generated beginning in 2004?

ABT PROGRAM—CREDIT USE

- 80.315 How are credits used and what are the limitations on credit use?
- 80.320-80.325 [Reserved]

SAMPLING, TESTING AND RETENTION REQUIREMENTS FOR REFINERS AND IMPORTERS

- 80.330 What are the sampling and testing requirements for refiners and importers?
- 80.335 What gasoline sample retention requirements apply to refiners and importers?
- 80.340 What standards and requirements apply to refiners producing gasoline by blending blendstocks into previously certified gasoline (PCG)?
- 80.345 [Reserved]
- 80.350 What alternative sulfur standards and requirements apply to importers who transport gasoline by truck?
- 80.355 [Reserved]

RECORDKEEPING AND REPORTING REQUIREMENTS

- 80.360 [Reserved]
- 80.365 What records must be kept?
- 80.370 What are the sulfur reporting requirements?
- 80.371-80.373 [Reserved]

EXEMPTIONS

- 80.374 What if a refiner or importer is unable to produce gasoline conforming to the requirements of this subpart?
- 80.375 What requirements apply to California gasoline?
- 80.380 What are the requirements for obtaining an exemption for gasoline used for research, development or testing purposes?

VIOLATION PROVISIONS

- 80.385 What acts are prohibited under the gasoline sulfur program?
- 80.390 What evidence may be used to determine compliance with the prohibitions and requirements of this subpart and liability for violations of this subpart?
- 80.395 Who is liable for violations under the gasoline sulfur program?
- 80.400 What defenses apply to persons deemed liable for a violation of a prohibited act?
- 80.405 What penalties apply under this subpart?

PROVISIONS FOR FOREIGN REFINERS WITH
INDIVIDUAL SULFUR BASELINES

- 80.410 What are the additional requirements for gasoline produced at foreign refineries having individual small refiner sulfur baselines, foreign refineries granted temporary relief under §80.270, or baselines for generating credits during 2000 through 2003?

ATTEST ENGAGEMENTS

- 80.415 What are the attest engagement requirements for gasoline sulfur compliance applicable to refiners and importers?

**Subpart I—Motor Vehicle, Nonroad,
Locomotive, and Marine Diesel Fuel**

GENERAL INFORMATION

- 80.500 What are the implementation dates for the motor vehicle diesel fuel sulfur control program?
- 80.501 What fuel is subject to the provisions of this subpart?
- 80.502 What definitions apply for purposes of this subpart?
- 80.503–80.509 [Reserved]
- 80.510 What are the standards and marker requirements for NRLM diesel fuel?
- 80.511 What are the per-gallon and marker requirements that apply to NRLM diesel fuel and heating oil downstream of the refiner or importer?
- 80.512 May an importer treat diesel fuel as blendstock?
- 80.513 What provisions apply to transmix processing facilities?
- 80.514–80.519 [Reserved]

MOTOR VEHICLE DIESEL FUEL STANDARDS AND
REQUIREMENTS

- 80.520 What are the standards and dye requirements for motor vehicle diesel fuel?
- 80.521 What are the standards and identification requirements for diesel fuel additives?
- 80.522 May used motor oil be dispensed into diesel motor vehicles or nonroad diesel engines?
- 80.523 [Reserved]
- 80.524 What sulfur content standard applies to motor vehicle diesel fuel downstream of the refinery or importer?
- 80.525 What requirements apply to kerosene blenders?
- 80.526 [Reserved]
- 80.527 Under what conditions may motor vehicle diesel fuel subject to the 15 ppm sulfur standard be downgraded to motor vehicle diesel fuel subject to the 500 ppm sulfur standard?
- 80.528–80.529 [Reserved]

TEMPORARY COMPLIANCE OPTION

- 80.530 Under what conditions can 500 ppm motor vehicle diesel fuel be produced or imported after May 31, 2006?
- 80.531 How are motor vehicle diesel fuel credits generated?
- 80.532 How are motor vehicle diesel fuel credits used and transferred?
- 80.533 How does a refiner or importer apply for a motor vehicle or non-highway baseline for the generation of NRLM credits or the use of the NRLM small refiner compliance options?
- 80.534 [Reserved]
- 80.535 How are NRLM diesel fuel credits generated?
- 80.536 How are NRLM diesel fuel credits used and transferred?
- 80.537–80.539 [Reserved]

GEOGRAPHIC PHASE-IN PROVISIONS

- 80.540 How may a refiner be approved to produce gasoline under the GPA gasoline sulfur standards in 2007 and 2008?
- 80.541–80.549 [Reserved]

SMALL REFINER HARDSHIP PROVISIONS

- 80.550 What is the definition of a motor vehicle diesel fuel small refiner or a NRLM diesel fuel small refiner under this subpart?
- 80.551 How does a refiner obtain approval as a small refiner under this subpart?
- 80.552 What compliance options are available to motor vehicle diesel fuel small refiners?
- 80.553 Under what conditions may the small refiner gasoline sulfur standards be extended for a small refiner of motor vehicle diesel fuel?
- 80.554 What compliance options are available to NRLM diesel fuel small refiners?
- 80.555 What provisions are available to a large refiner that acquires a small refiner or one or more of its refineries?
- 80.556–80.559 [Reserved]

OTHER HARDSHIP PROVISIONS

- 80.560 How can a refiner seek temporary relief from the requirements of this subpart in case of extreme hardship circumstances?
- 80.561 How can a refiner or importer seek temporary relief from the requirements of this subpart in case of extreme unforeseen circumstances?
- 80.562–80.569 [Reserved]

LABELING REQUIREMENTS

- 80.570 What labeling requirements apply to retailers and wholesale purchaser-consumers of diesel fuel beginning June 1, 2006?

- 80.571 What labeling requirements apply to retailers and wholesale purchaser-consumers of NRLM diesel fuel or heating oil beginning June 1, 2007?
- 80.572 What labeling requirements apply to retailers and wholesale purchaser-consumers of NR and NRLM diesel fuel and heating oil beginning June 1, 2010?
- 80.573 What labeling requirements apply to retailers and wholesale purchaser-consumers of NRLM diesel fuel and heating oil beginning June 1, 2012?
- 80.574 What labeling requirements apply to retailers and wholesale purchaser-consumers of NRLM diesel fuel, or heating oil beginning June 1, 2014?
- 80.575–80.579 [Reserved]

SAMPLING AND TESTING

- 80.580 What are the sampling and testing methods for sulfur?
- 80.581 What are the batch testing and sample retention requirements for motor vehicle and NRLM diesel fuel?
- 80.582 What are the sampling and testing methods for the fuel marker?
- 80.583 What alternative sampling and testing requirements apply to importers who transport motor vehicle diesel fuel or NRLM diesel fuel by truck or rail car?
- 80.584 What are the precision and accuracy criteria for approval of test methods for determining the sulfur content of motor vehicle and NRLM diesel fuel?
- 80.585 What is the process for approval of a test method for determining the sulfur content of diesel?
- 80.586 What are the record retention requirements for test methods approved under this subpart?
- 80.587–80.589 [Reserved]

RECORDKEEPING AND REPORTING REQUIREMENTS

- 80.590 What are the product transfer document requirements for motor vehicle diesel fuel, NRLM diesel fuel, heating oil and other distillates?
- 80.591 What are the product transfer document requirements for additives to be used in diesel fuel?
- 80.592 What records must be kept by entities in the motor vehicle diesel fuel and diesel fuel additive distribution systems?
- 80.593 What are the reporting requirements for refiners and importers of motor vehicle diesel fuel subject to temporary refiner relief standards?
- 80.594 What are the pre-compliance reporting requirements for motor vehicle diesel fuel?
- 80.595 How does a small or GPA refiner apply for a motor vehicle diesel fuel volume baseline for the purpose of extending their gasoline sulfur standards?

- 80.596 How is a refinery motor vehicle diesel fuel volume baseline calculated?
- 80.597 What are the registration requirements?
- 80.598 What are the designation requirements for refiners, importers, and distributors?
- 80.599 How do I calculate volume balances for designation purposes?
- 80.600 What records must be kept for purposes of the designate and track provisions?
- 80.601 What are the reporting requirements for purposes of the designate and track provisions?
- 80.602 What records must be kept by entities in the NRLM diesel fuel and diesel fuel additive production, importation, and distribution systems?
- 80.603 What are the pre-compliance reporting requirements for NRLM diesel fuel?
- 80.604 What are the annual reporting requirements for refiners and importers of NRLM diesel fuel?

EXEMPTIONS

- 80.605 [Reserved]
- 80.606 What national security exemption applies to distillate fuel?
- 80.607 What are the requirements for obtaining an exemption for diesel fuel used for research, development or testing purposes?
- 80.608 What requirements apply to diesel fuel for use in the Territories?
- 80.609 [Reserved]

VIOLATION PROVISIONS

- 80.610 What acts are prohibited under the diesel fuel sulfur program?
- 80.611 What evidence may be used to determine compliance with the prohibitions and requirements of this subpart and liability for violations of this subpart?
- 80.612 Who is liable for violations of this subpart?
- 80.613 What defenses apply to persons deemed liable for a violation of a prohibited act under this subpart?
- 80.614 What are the alternative defense requirements in lieu of § 80.613(a)(1)(vi)?
- 80.615 What penalties apply under this subpart?
- 80.616 What are the enforcement exemptions for California diesel distributed within the State of California?
- 80.617 How may California diesel fuel be distributed or sold outside of the State of California?
- 80.618–80.619 [Reserved]

§ 80.1

PROVISIONS FOR FOREIGN REFINERS AND IMPORTERS FOR MOTOR VEHICLE DIESEL FUEL SUBJECT TO A TEMPORARY COMPLIANCE OPTION OR HARDSHIP PROVISION

80.620 What are the additional requirements for diesel fuel or distillates produced by foreign refineries subject to a temporary refiner compliance option, hardship provisions, or motor vehicle or NRLM diesel fuel credit provisions?

Subpart J—Gasoline Toxics

GENERAL INFORMATION

80.800–80.805 [Reserved]
80.810 Who shall register with EPA under the gasoline toxics program?

GASOLINE TOXICS PERFORMANCE REQUIREMENTS

80.815 What are the gasoline toxics performance requirements for refiners and importers?
80.820 What gasoline is subject to the toxics performance requirements of this subpart?
80.825 How is the refinery or importer annual average toxics value determined?
80.830 What requirements apply to oxygenate blenders?
80.835 What requirements apply to butane blenders?
80.840 What requirements apply to transmix processors?
80.845 What requirements apply to California gasoline?
80.850 How is the compliance baseline determined?
80.855 What is the compliance baseline for refineries or importers with insufficient data?
80.860–80.905 [Reserved]

BASELINE DETERMINATION

80.910 How does a refiner or importer apply for a toxics baseline?
80.915 How are the baseline toxics value and the baseline toxics volume determined?
80.920–80.980 [Reserved]

RECORDKEEPING AND REPORTING REQUIREMENTS

80.985 What records shall be kept?
80.990 What are the toxics reporting requirements?

EXEMPTIONS

80.995 What if a refiner or importer is unable to produce gasoline conforming to the requirements of this subpart?
80.1000 What are the requirements for obtaining an exemption for gasoline used for research, development or testing purposes?

40 CFR Ch. I (7–1–06 Edition)

VIOLATION PROVISIONS

80.1005 What acts are prohibited under the gasoline toxics program?
80.1010 [Reserved]
80.1015 Who is liable for violations under the gasoline toxics program?
80.1020 [Reserved]
80.1025 What penalties apply under this subpart?

PROVISIONS FOR FOREIGN REFINERS WITH INDIVIDUAL TOXICS BASELINES

80.1030 What are the requirements for gasoline produced at foreign refineries having individual refiner toxics baselines?

ATTEST ENGAGEMENTS

80.1035 What are the attest engagement requirements for gasoline toxics compliance applicable to refiners and importers?
80.1040 [Reserved]

ADDITIONAL RULEMAKING

80.1045 What additional rulemaking will EPA conduct?

Subpart K—Renewable Fuel Standard

80.1100 How is the statutory default requirement for 2006 implemented?
APPENDIX A TO PART 80—TEST FOR THE DETERMINATION OF PHOSPHORUS IN GASOLINE
APPENDIX B TO PART 80—TEST METHODS FOR LEAD IN GASOLINE
APPENDIXES C–G TO PART 80 [RESERVED]

AUTHORITY: 42 U.S.C. 7414, 7545, and 7601(a).

EFFECTIVE DATE NOTE: At 71 FR 31959, June 2, 2006, the authority citation for part 80 was revised, effective Aug. 1, 2006. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 42 U.S.C. 7414, 7545, 7542, and 7601(a).

SOURCE: 38 FR 1255, Jan. 10, 1973, unless otherwise noted.

EFFECTIVE DATE NOTE: At 59 FR 7716, Feb. 16, 1994, EPA published amendments to part 80 containing information collection and recordkeeping requirements, which will not become effective until approval has been given by the Office of Management and Budget.

Subpart A—General Provisions

§ 80.1 Scope.

(a) This part prescribes regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines. These regulations are based upon a determination by the Administrator that

Environmental Protection Agency

§ 80.2

the emission product of a fuel or additive will endanger the public health, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.

(b) Nothing in this part is intended to preempt the ability of State or local governments to control or prohibit any fuel or additive for use in motor vehicles and motor vehicle engines which is not explicitly regulated by this part.

[38 FR 1255, Jan. 10, 1973, as amended at 38 FR 33741, Dec. 6, 1973; 42 FR 25732, May 19, 1977]

§ 80.2 Definitions.

As used in this part:

(a) *Act* means the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

(b) *Administrator* means the Administrator of the Environmental Protection Agency.

(c) *Gasoline* means any fuel sold in any State¹ for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(d) *Previously certified gasoline*, or PCG, means gasoline or RBOB that previously has been included in a batch for purposes of complying with the standards in Subparts D, E, H, and J of this part, as appropriate.

(e) *Lead additive* means any substance containing lead or lead compounds.

(f) *Previously designated diesel fuel* or PDD means diesel fuel that has been previously designated and included by a refiner or importer in a batch for purposes of complying with the standards and requirements of subpart I of this part.

(g) *Unleaded gasoline* means gasoline which is produced without the use of any lead additive and which contains not more than 0.05 gram of lead per

gallon and not more than 0.005 gram of phosphorus per gallon.

(h) *Refinery* means any facility, including but not limited to, a plant, tanker truck, or vessel where gasoline or diesel fuel is produced, including any facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel.

(i) *Refiner* means any person who owns, leases, operates, controls, or supervises a refinery.

(j) *Retail outlet* means any establishment at which gasoline, diesel fuel, methanol, natural gas or liquified petroleum gas is sold or offered for sale for use in motor vehicles or nonroad engines, including locomotive engines or marine engines.

(k) *Retailer* means any person who owns, leases, operates, controls, or supervises a retail outlet.

(l) *Distributor* means any person who transports or stores or causes the transportation or storage of gasoline or diesel fuel at any point between any gasoline or diesel fuel refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

(m) *Lead additive manufacturer* means any person who produces a lead additive or sells a lead additive under his own name.

(n) *Reseller* means any person who purchases gasoline or diesel fuel identified by the corporate, trade, or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale purchaser-consumers displaying the refiner's brand, and whose assets or facilities are not substantially owned, leased, or controlled by such refiner.

(o) *Wholesale purchaser-consumer* means any person that is an ultimate consumer of gasoline, diesel fuel, methanol, natural gas, or liquified petroleum gas and which purchases or obtains gasoline, diesel fuel, natural gas or liquified petroleum gas from a supplier for use in motor vehicles or nonroad engines, including locomotive engines or marine engines and, in the case of gasoline, diesel fuel, methanol or liquified petroleum gas, receives delivery of that product into a storage tank of at least 550-gallon capacity

¹State means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.