

## § 80.66

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

anti-dumping compliance calculations under § 80.101(g) for the refinery, or where applicable, the refiner's aggregation under § 80.101(h); and

(B) The net volume of gasoline in the refiner's anti-dumping compliance calculations for the refinery, or, where applicable, the refiner's aggregation under § 80.101(h), must be positive.

(5) The refiner must use any previously certified gasoline that the refiner includes as a negative batch under paragraph (i)(4) of this section in its compliance calculations for the refinery, or where appropriate, the refiner's aggregation, as a component in gasoline production during the annual averaging period in which the previously certified gasoline was included as a negative batch in the refiner's compliance calculations.

(6) (i) Any refiner may use the procedures specified in this paragraph (i) to combine previously certified conventional gasoline with reformulated gasoline or RBOB, to reclassify conventional gasoline into reformulated gasoline or RBOB, or to change the designations of reformulated gasoline or RBOB with regard to VOC control.

(ii) The procedures under this section are refinery procedures. Any person who uses the procedures under this section is a refiner who must meet all requirements applicable to refiners under this subpart.

(7) Nothing in this paragraph (i) prevents any party from combining previously certified reformulated gasolines from different sources in a manner that does not violate the prohibitions in § 80.78(a).

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36962, July 20, 1994; 59 FR 39289, Aug. 2, 1994; 59 FR 60715, Nov. 28, 1994; 62 FR 60135, Nov. 6, 1997; 66 FR 37165, July 17, 2001; 66 FR 67105, Dec. 28, 2001; 67 FR 8737, Feb. 26, 2002; 71 FR 74567, Dec. 15, 2005; 71 FR 26698, May 8, 2006]

### **§ 80.66 Calculation of reformulated gasoline properties.**

(a) All volume measurements required by these regulations shall be temperature adjusted to 60 degrees Fahrenheit.

(b) The percentage of oxygen by weight contained in a gasoline blend, based upon its percentage oxygenate by

volume and density, shall exclude denaturants and water.

(c) The properties of reformulated gasoline consist of per-gallon values separately and individually determined on a batch-by-batch basis using the methodologies specified in § 80.46 for each of those physical and chemical parameters necessary to determine compliance with the standards to which the gasoline is subject, and per-gallon values for the VOC, NO<sub>x</sub>, and toxics emissions performance standards to which the gasoline is subject.

(d) Per-gallon oxygen content shall be determined based upon the weight percent oxygen of a representative sample of gasoline, using the method set forth in § 80.46(g). The total oxygen content associated with a batch of gasoline (in percent-gallons) is calculated by multiplying the weight percent oxygen content times the volume.

(e) Per-gallon benzene content shall be determined based upon the volume percent benzene of a representative sample of a batch of gasoline by the method set forth in § 80.46(e). The total benzene content associated with a batch of gasoline (in percent-gallons) is calculated by multiplying the volume percent benzene content times the volume.

(f) Per-gallon RVP shall be determined based upon the measurement of RVP of a representative sample of a batch of gasoline by the sampling methodologies specified in appendix D of this part and the testing methodology specified in appendix E of this part. The total RVP value associated with a batch of gasoline (in RVP-gallons) is calculated by multiplying the RVP times the volume.

(g)(1) Per gallon values for VOC and NO<sub>x</sub> emissions reduction shall be calculated using the methodology specified in § 80.45 that is appropriate for the gasoline.

(2) Per-gallon values for toxic emissions performance reduction shall be established using:

(i) For gasoline subject to the simple model, the methodology under § 80.42 that is appropriate for the gasoline; and

(ii) For gasoline subject to the complex model, the methodology specified

in §80.45 that is appropriate for the gasoline.

(3) The total VOC, NO<sub>x</sub>, and toxic emissions performance reduction values associated with a batch of gasoline (in percent reduction-gallons) is calculated by multiplying the per-gallon percent emissions performance reduction times the volume of the batch.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36963, July 20, 1994]

#### § 80.67 Compliance on average.

The requirements of this section apply to all reformulated gasoline and RBOB produced or imported for which compliance with one or more of the requirements of §80.41 is determined on average ("averaged gasoline").

(a) *Compliance survey required in order to meet standards on average.* (1) Any refiner or importer that complies with the compliance survey requirements of §80.68 has the option of meeting the standards specified in §80.41 for average compliance in addition to the option of meeting the standards specified in §80.41 for per-gallon compliance; any refiner or importer that does not comply with the survey requirements must meet the standards specified in §80.41 for per-gallon compliance, and does not have the option of meeting standards on average.

(2)(i)(A) A refiner or importer that produces or imports reformulated gasoline that exceeds the average standard for benzene (but not for other parameters that have average standards) may use such gasoline to offset reformulated gasoline which does not achieve this average standard, but only if the reformulated gasoline that does not achieve this average standard is sold to ultimate consumers in the same covered area as was the reformulated gasoline which exceeds the average standard; provided that:

(B) Prior to the beginning of the averaging period when the averaging approach described in paragraph (a)(2)(i)(A) of this section is used, the refiner or importer obtains approval from EPA. In order to seek such approval, the refiner or importer shall submit a petition to EPA, such petition to include:

(1) The identification of the refiner and refinery, or importer, the covered area, and the averaging period; and

(2) A detailed description of the procedures the refiner or importer will use to ensure the gasoline is produced by the refiner or is imported by the importer and is used only in the covered area in question and is not used in any other covered area, and the record keeping, reporting, auditing, and other quality assurance measures that will be followed to establish the gasoline is used as intended; and

(C) The refiner or importer properly completes any requirements that are specified by EPA as conditions for approval of the petition.

(ii) Any refiner or importer that meets the requirements of paragraph (a)(2)(i) of this section will be deemed to have satisfied the compliance survey requirements of §80.68 for the covered area in question.

(b) *Scope of averaging.* (1) Any refiner shall meet all applicable averaged standards separately for each of the refiner's refineries;

(2)(i) Any importer shall meet all applicable averaged standards on the basis of all averaged reformulated gasoline and RBOB imported by the importer; except that

(ii) Any importer to whom different standards apply for gasoline imported at different facilities by operation of §80.41(i), shall meet the averaged standards separately for the averaged reformulated gasoline and RBOB imported into each group of facilities that is subject to the same standards; and

(3) [Reserved]

(c) *RVP and VOC emissions performance reduction compliance on average.* (1) The VOC-controlled reformulated gasoline and RBOB produced at any refinery or imported by any importer during the period January 1 through September 15 of each calendar year which is designated for average compliance for RVP or VOC emissions performance on average must meet the standards for RVP (in the case of a refinery or importer subject to the simple model standards) or the standards for VOC emissions performance reduction (in the case of a refinery or importer subject to the complex model standards)