

## Environmental Protection Agency

## § 80.158

(4) For all automated detergent blending facilities, documentation establishing the brands (if known) and grades of the gasoline which is the subject of the VAR formula record;

(5) For all hand blending detergent blenders, the documentation, if in the party's possession, supporting the volumes of gasoline, PRC, and detergent reported on the VAR formula record; and

(6) For all detergent blending facilities, documentation establishing the curing of a batch or amount of misadditized gasoline or PRC, or the curing of a use restriction on the additized gasoline or PRC, and providing at least the following information: the date of the curing procedure; the problem that was corrected; the amount, name, and LAC of the original detergent used; the amount, name, and LAC of the added curing detergent; and the actual detergent concentration attained in, and the volume of, the total cured product.

(g) *Document retention and availability.* All detergent blenders shall retain the documents required under this section for a period of five years from the date the VAR formula records and supporting documentation were created, and shall deliver them upon request to the EPA Administrator or the Administrator's authorized representative.

(1) Except as provided in paragraph (g)(3) of this section, automated detergent blender facilities and hand-blender facilities which are terminals, which physically blend detergent into gasoline, must make immediately available to EPA, upon request, the preceding twelve months of VAR formula records plus the preceding two months of VAR supporting documentation.

(2) Except as provided in paragraph (g)(3) of this section, other hand-blending detergent facilities which physically blend detergent into gasoline must make immediately available to EPA, upon request, the preceding two months of VAR formula records and VAR supporting documentation.

(3) Facilities which have centrally maintained records at other locations, or have customers who maintain their own records at other locations for their proprietary detergent systems, and

which can document this fact to the Agency, may have until the start of the next business day after the request to supply VAR supporting documentation, or longer if approved by the Agency.

(4) In this paragraph (g) of this section, the term immediately available means that the records must be provided, electronically or otherwise, within approximately one hour of EPA's request, or within a longer time frame as approved by EPA.

[59 FR 54706, Nov. 1, 1994, as amended at 61 FR 35360, July 5, 1996]

### § 80.158 Product transfer documents (PTDs).

(a) *Contents.* For each occasion when any gasoline refiner, importer, reseller, distributor, carrier, retailer, wholesale purchaser-consumer, oxygenate blender, detergent manufacturer, distributor, carrier, or blender, transfers custody or title to any gasoline, detergent, or detergent-additized PRC other than when detergent-additized gasoline is sold or dispensed at a retail outlet or wholesale purchaser-consumer facility to the ultimate consumer, the transferor shall provide to the transferee, and the transferee shall acquire from the transferor, documents which accurately include the following information:

(1) The names and addresses of the transferee and transferor; the address requirement may be fulfilled, in the alternative, through separate documentation which establishes said addresses and is maintained by the parties and made available to EPA for the same length of time as required for the PTDs, provided that the normal business procedure of these parties is not to identify addresses on PTDs.

(2) The date of the transfer.

(3) The volume of product transferred.

(4)(i) The identity of the product being transferred (i.e., its identity as base gasoline, detergent, detergent-additized gasoline, or specified detergent-additized oxygenate or detergent-additized gasoline blending stock that comprises a detergent-additized PRC). PTDs for detergent-additized gasoline or PRC are not required to identify the

particular detergent used to additize the product.

(ii) If the product being transferred consists of two or more different types of product subject to this regulation, i.e., base gasoline, detergent-additized gasoline, or specified detergent-additized PRC, then the PTD for the commingled product must identify each such type of component contained in the commingled product.

(5) If the product being transferred is base gasoline, then in addition to the base gasoline identification, the following warning must be stated on the PTD: "Not for sale to the ultimate consumer". If, pursuant to § 80.160(a), the product being transferred is exempt base gasoline to be used for research, development, or test purposes only, the following warning must also be stated on the PTD: "For use in research, development, and test programs only."

(6) The name of the detergent additive as reported in its registration must be used to identify the detergent package on its PTD.

(7) If the product being transferred is leaded gasoline, then the PTD must disclose that the product contains lead and/or phosphorous, as applicable.

(8) If the product being transferred is detergent that is only authorized for the control of carburetor deposits, then the following must be stated on the detergent's transfer document: "For use with leaded gasoline only."

(9) If the product being transferred is detergent-additized gasoline that has been overadditized in anticipation of the later (or earlier) addition of PRC, then the PTD must include a statement that the product has been overadditized to account for a specified volume in gallons, or a specified percentage of the product's total volume, of additional, specified PRC.

(b) Gasoline may not be additized with a detergent authorized only for the control of carburetor deposits and whose product transfer document states "For use with leaded gasoline only", and gasoline may not be additized at the lower concentration specified for a detergent authorized at a lower concentration for the control of carburetor deposits only, unless the product transfer document for the gas-

oline to be additized identifies it as leaded gasoline.

(c) *Use of product codes and other non-regulatory language.* (1) Product codes and other non-regulatory language may not be used as a substitute for the specified PTD warning language specified in paragraph (a)(6) of this section for base gasoline, except that:

(i) The specified warning language may be omitted for bulk transfers of base gasoline from a refinery to a pipeline if there is a prior written agreement between the parties specifying that all such gasoline is unadditized and will not be transferred to the ultimate consumer;

(ii) Product codes may be used as a substitute for the specified warning language provided that the PTD is an electronic data interchange (EDI) document being used solely for the transfer of title to the base gasoline, and provided that the product codes otherwise comply with the requirements of this section.

(2) Product codes and other language not specified in this section may otherwise be used to comply with PTD information requirements, provided that they are clear, accurate, and not misleading.

(3) If product codes are used, they must be standardized throughout the distribution system in which they are used, and downstream parties must be informed of their full meaning.

(d) *PTD exemption for small transfers of additized gasoline.* Transfers of additized gasoline are exempt from the PTD requirements of this section provided all the following conditions are followed:

(1) The product is being transferred by a distributor who is not the product's detergent blender; and

(2) The recipient is a wholesale purchaser-consumer (WPC) or other ultimate consumer of gasoline, for its own use only or for that of its agents or employees; and

(3) The volume of additized gasoline being transferred is not greater than 550 gallons.

(e) *Recordkeeping period.* Any person creating, providing or acquiring product transfer documentation for gasoline, detergent, or detergent-additized PRC, except as provided in paragraph

## Environmental Protection Agency

## § 80.160

(d) of this section, shall retain the documents required by this section for a period of five years from the date the product transfer documentation was created, received or transferred, as applicable, and shall deliver such documents to EPA upon request. WPCs are not required to retain PTDs of additized gasoline received by them.

[61 FR 35362, July 5, 1996, as amended at 62 FR 60001, Nov. 6, 1997]

### § 80.159 Penalties.

(a) *General.* Any person who violates any prohibition or affirmative requirement of §80.155 shall be liable to the United States for a civil penalty of not more than the sum of \$25,000 for every day of such violation and the amount of economic benefit or savings resulting from the violation.

(b) *Gasoline non-conformity.* Any violation of §80.155(a) shall constitute a separate day of violation for each and every day the gasoline in violation remains at any place in the gasoline distribution system, beginning on the day that the gasoline is in violation of the respective prohibition and ending on the last day that such gasoline is offered for sale or is dispensed to any ultimate consumer.

(c) *Detergent non-conformity.* Any violation of §80.155(d) shall constitute a separate day of violation for each and every day the detergent in violation remains at any place in the gasoline or detergent distribution system, beginning on the day that the detergent is in violation of the prohibition and ending on the last day that detergent-additized gasoline, containing the subject detergent as a component thereof, is offered for sale or is dispensed to any ultimate consumer.

(d) *Post-refinery component non-conformity.* Any violation of §80.155(e) shall constitute a separate day of violation for each and every day the post-refinery component in violation remains at any place in the post-refinery component or gasoline distribution system, beginning on the day that the post-refinery component is in violation of the respective prohibition and ending on the last day that detergent-additized gasoline containing the post-refinery component is offered for sale or is dispensed to any ultimate consumer.

(e) *Product transfer document non-conformity.* Any violation of §80.155(c) shall constitute a separate day of violation for every day the product transfer document is not fully in compliance. This is to begin on the day that the product transfer document is created or should have been created and to end at the later of the following dates: Either the day that the document is corrected and comes into compliance, or the day that gasoline not additized in conformity with interim detergent program requirements, as a result of the product transfer document non-conformity, is offered for sale or is dispensed to the ultimate consumer.

(f) *Volumetric additive reconciliation (VAR) record keeping non-conformity.* Any VAR recordkeeping violation of §80.155(b) shall constitute a separate day of violation for every day that VAR recordkeeping is not fully in compliance. Each element of the VAR record keeping program that is not in compliance shall constitute a separate violation for purposes of this section.

(g) *Volumetric additive reconciliation (VAR) compliance standard non-conformity.* Any violation of the VAR compliance standard established in §80.157 shall constitute a separate day of violation for each and every day of the VAR compliance period in which the standard was violated.

(h) *Volumetric additive reconciliation (VAR) equipment calibration non-conformity.* Any VAR equipment calibration violation of §80.155(b) shall constitute a separate day of violation for every day a VAR equipment calibration requirement is not met.

### § 80.160 Exemptions.

(a) *Research, development, and testing exemptions.* Any detergent that is either in a research, development, or test status, or is sold to petroleum, automobile, engine, or component manufacturers for research, development, or test purposes, or any gasoline to be used by, or under the control of, petroleum, additive, automobile, engine, or component manufacturers for research, development, or test purposes, is exempted from the provisions of the interim detergent program, provided that: