

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: