

## Environmental Protection Agency

## § 80.213

the gasoline as S-RGAS before the delivery into the terminal tank is complete without performing the tests required in paragraph (d)(3) of this section. Upon completion of the delivery of S-RGAS into the terminal tank, the terminal may classify the gasoline as S-RGAS only if it meets the criteria for S-RGAS following testing in accordance with the requirements of paragraph (d)(3) of this section.

(7) The information relating to S-RGAS required to be included in product transfer documentation under this paragraph (e) must be included in the product transfer documents which accompany the transfer of custody of the gasoline. Product transfer documents that transfer title of the gasoline may fulfill the requirements under this paragraph (e) by indicating that the required information relating to S-RGAS is contained in the product transfer documents which accompany the transfer of custody of the gasoline.

(f) *Downstream standards applicable to S-RGAS when produced or imported.* (1) The downstream standard applicable to any gasoline classified as S-RGAS when produced or imported shall be calculated using the following equation:

$$D=S+105\times((S+2)/10^4)^{0.4}$$

Where:

D=Downstream sulfur standard.

S=The sulfur content of the refiner's batch determined under § 80.330.

(2) Where more than one S-RGAS batch is combined, prior to shipment, at the refinery or import facility where the S-RGAS is produced or imported, the downstream standard applicable to the mixture shall be the highest downstream standard, calculated under paragraph (f)(1) of this section, for any S-RGAS contained in the mixture.

[65 FR 6823, Feb. 10, 2000, as amended at 67 FR 40182, June 12, 2002]

### § 80.211 What are the requirements for treating imported gasoline as blendstock?

An importer may treat imported gasoline (as defined in § 80.2(c)) as gasoline treated as blendstock, or GTAB, under

the provisions of § 80.83 for purposes of compliance with this subpart H.

[70 FR 74578, Dec. 15, 2005]

### § 80.212 What requirements apply to oxygenate blenders?

Effective January 1, 2004, oxygenate blenders who blend oxygenate into gasoline downstream of the refinery that produced the gasoline or the import facility where the gasoline was imported, are not subject to the requirements of this subpart applicable to refiners for this gasoline, but are subject to the requirements and prohibitions applicable to downstream parties and the prohibition specified in § 80.385(e).

### § 80.213 What alternative sulfur standards and requirements apply to transmix processors and transmix blenders?

Transmix processors and transmix blenders, as defined in § 80.84(a), may comply with the following requirements instead of the requirements and standards otherwise applicable to a refiner under subpart H of this part.

(a) Any transmix processor who recovers transmix gasoline product (TGP), as defined in § 80.84(a), from transmix through transmix processing under § 80.84(c) must show through sampling and testing, using the methods in § 80.330, that the TGP meets the applicable sulfur standards under § 80.210 or § 80.220, prior to the TGP leaving the transmix processing facility.

(1) The applicable sulfur standard is the standard in § 80.210(b); or

(2) If the TGP sulfur is greater than the standard in § 80.210(b), and the transmix processor has product transfer documents that prove the TGP was originally produced by a small refiner, hardship refiner, or for use in the GPA, the applicable sulfur standard for the TGP is the downstream sulfur standard corresponding to the original gasoline.

(b) The sampling and testing required under paragraph (a) of this section shall be conducted following each occasion TGP is produced.

(c) Any transmix processor who produces gasoline by adding blendstock to TGP must, for such blendstock, comply with all requirements and standards that apply to a refiner under subpart H

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of this part, and must meet the applicable downstream sulfur standards under § 80.210 or § 80.220 for the gasoline produced by blending blendstock and TGP, prior to the gasoline leaving the transmix processing facility.

(d) Any transmix processor who produces gasoline by blending blendstock into TGP may meet the sampling and testing requirements of subpart H of this part as follows:

(1)(i) Sample and test the blendstock when received at the transmix processing facility, using the methods specified in § 80.330, to determine the volume and sulfur content, and treat each volume of blendstock that is blended into a volume of TGP as a separate batch for purposes of calculating and reporting compliance with the applicable annual average and per-gallon cap sulfur standards in § 80.195 or § 80.216, as applicable; or

(ii) Use sulfur test results of the blendstock supplier provided that the following requirements are met:

(A) Sampling and testing by the blendstock supplier is performed using the methods specified in § 80.330;

(B) Testing for the sulfur content of the blendstock in the supplier's storage tank must be conducted subsequent to the last receipt of blendstock into the supplier's storage tank from which the transmix processor is supplied;

(C) The transmix processor must obtain a copy of the blendstock supplier's test results, at the time of each transfer of blendstock to the transmix processor, that reflect the sulfur content of each load of blendstock supplied to the transmix processor;

(D) The transmix processor must conduct a quality assurance program of sampling and testing for each blendstock supplier. The frequency of blendstock sampling and testing must be one sample for every 500,000 gallons of blendstock received or one sample every 3 months, whichever results in more frequent sampling; and

(E) If any of the requirements of this paragraph (d)(1)(ii) are not met, in whole or in part, for any blendstock blended into TGP, that blendstock is deemed in violation of the gasoline sulfur standards in § 80.195.

(2) Sample and test each batch of gasoline produced by blending blendstock

into TGP, using the methods specified in § 80.330, to determine the sulfur content of the batch.

(3) The sulfur content of each batch of gasoline produced by blending blendstock into TGP must be no greater than the downstream sulfur standard under § 80.210 or § 80.220 applicable to the designation of the TGP; and

(4) Gasoline produced by blending blendstock into TGP must be properly identified on product transfer documents in accordance with the provisions of § 80.210 or § 80.220, as applicable.

(e) Any transmix blender who produces gasoline by blending transmix, or mixtures of gasoline and distillate fuel described in § 80.84(e), into previously certified gasoline under § 80.84(d) must meet the applicable downstream sulfur standards under § 80.210 or § 80.220 for the gasoline produced by blending transmix and previously certified gasoline.

(f) Any transmix processor or transmix blender who adds feedstocks to their transmix other than gasoline, distillate fuel, or gasoline blendstocks from pipeline interface must meet all requirements and standards that apply to a refiner under subpart H of this part, other than § 80.213, for all gasoline they produce during a compliance period.

[71 FR 31963, June 2, 2006]

**§ 80.214 [Reserved]**

**GEOGRAPHIC PHASE-IN PROGRAM**

**§ 80.215 What is the scope of the geographic phase-in program?**

(a) *Geographic phase-in area.* (1) The following states comprise the geographic phase-in area (GPA) subject to the provisions of the geographic phase-in program: North Dakota, Montana, Idaho, Wyoming, Utah, Colorado, New Mexico, and Alaska.

(2) In addition, the following counties within the states identified in paragraph (a)(2)(i) of this section and the following Federal Indian reservations in paragraph (a)(2)(ii) of this section are included in the GPA:

(i) The list of counties follows:

Arizona

Apache