

**§ 80.77**

**40 CFR Ch. I (7-1-07 Edition)**

(3) For each separate refinery and oxygenate blending facility, and for each importer's operations in a single PADD:

(i) Whether records are kept on-site or off-site of the refinery or oxygenate blending facility, or in the case of importers, the registered address;

(ii) If records are kept off-site, the primary off-site storage facility name, physical location, contact name, and telephone number; and

(iii) The name, address, contact name and telephone number of the independent laboratory used to meet the independent analysis requirements of § 80.65(f).

(d) EPA will supply a registration number to each refiner, importer, and oxygenate blender, and a facility registration number for each refinery and oxygenate blending facility that is identified, which shall be used in all reports to the Administrator.

(e)(1) Any refiner, importer, or oxygenate blender shall submit updated registration information to the Administrator within thirty days of any occasion when the registration information previously supplied becomes incomplete or inaccurate; except that

(2) EPA must be notified in writing of any change in designated independent laboratory at least thirty days in advance of such change.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36965, July 20, 1994; 71 FR 74570, Dec. 15, 2005; 71 FR 26701, May 8, 2006]

**§ 80.77 Product transfer documentation.**

On each occasion when any person transfers custody or title to any reformulated gasoline or RBOB, other than when gasoline is sold or dispensed for use in motor vehicles at a retail outlet or wholesale purchaser-consumer facility, the transferor shall provide to the transferee documents which include the following information:

(a) The name and address of the transferor;

(b) The name and address of the transferee;

(c) The volume of gasoline or RBOB which is being transferred;

(d) The location of the gasoline at the time of the transfer;

(e) The date of the transfer;

(f) The proper identification of the product as reformulated gasoline or RBOB;

(g) In the case of reformulated gasoline or RBOB:

(1) The proper identification as:

(i)(A) VOC-controlled for VOC-Control Region 1; or VOC-controlled for VOC-Control Region 2; or Not VOC-controlled; or

(B) In the case of gasoline or RBOB that is VOC-controlled for VOC-Control Region 1, the gasoline may be identified as suitable for use either in VOC-Control Region 1 or VOC-Control Region 2;

(ii) [Reserved]

(iii) Prior to January 1, 1998, certified under the simple model standards or certified under the complex model standards; and

(2) The minimum and/or maximum standards with which the gasoline or RBOB conforms for:

(i) Benzene content;

(ii) [Reserved]

(iii) In the case of VOC-controlled gasoline subject to the simple model standards, RVP;

(iv) In the case of gasoline subject to the complex model standards:

(A) Prior to January 1, 1998, the NO<sub>x</sub> emissions performance minimum, and for VOC-controlled gasoline the VOC emissions performance minimum, in milligrams per mile; and

(B) Beginning on January 1, 1998, for VOC-controlled gasoline, the VOC emissions performance minimum.

(3) Identification of VOC-controlled reformulated gasoline or RBOB as gasoline or RBOB which contains ethanol, or which does not contain any ethanol; and

(4) For transfers of custody of gasoline subject to the provisions of § 80.69(a)(11), the information required to be included on product transfer documents under § 80.69(a)(11)(vii)(A).

(h) Prior to January 1, 1998, in the case of reformulated gasoline or RBOB subject to the complex model standards:

(1) The name and EPA registration number of the refinery at which the gasoline was produced, or importer that imported the gasoline; and

(2) Instructions that the gasoline or RBOB may not be combined with any

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other gasoline or RBOB that was produced at any other refinery or was imported by any other importer;

(i) In the case of RBOB:

(1) The designation of the RBOB as suitable for blending with:

(i) Any-oxygenate;

(ii) Ether-only; or

(iii) Other specified oxygenate type(s) and amount(s);

(2) The oxygenate type(s) and amount(s) that are intended for blending with the RBOB;

(3) Instructions that the RBOB may not be combined with any other RBOB except other RBOB having the same requirements for oxygenate type(s) and amount(s), or, prior to blending, with reformulated gasoline.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36965, July 20, 1994; 62 FR 60136, Nov. 6, 1997; 62 FR 68207, Dec. 31, 1997; 71 FR 74570, Dec. 15, 2005; 71 FR 26701, May 8, 2006; 71 FR 31961, June 2, 2006]

### § 80.78 Controls and prohibitions on reformulated gasoline.

(a) *Prohibited activities.* (1) No person may manufacture and sell or distribute, offer for sale or distribution, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline represented as reformulated and intended for sale or use in any covered area:

(i) Unless each gallon of such gasoline meets the applicable benzene maximum standard specified in § 80.41;

(ii)-(iii) [Reserved]

(iv) Unless the product transfer documentation for such gasoline complies with the requirements in § 80.77; and

(v) During the period May 1 through September 15 for all persons except retailers and wholesale purchaser-consumers, and during the period June 1 through September 15 for all persons including retailers and wholesale purchaser-consumers:

(A) Unless each gallon of such gasoline is VOC-controlled for the proper VOC Control Region, except that gasoline designated for VOC-Control Region 1 may be used in VOC-Control Region 2;

(B) Unless each gallon of such gasoline that is subject to simple model standards has an RVP which is less than or equal to the applicable RVP maximum specified in § 80.41;

(C) Unless each gallon of such gasoline that is subject to complex model standards has a VOC emissions reduction percentage which is greater than or equal to the applicable minimum specified in § 80.41.

(2) No refiner or importer may produce or import any gasoline represented as reformulated or RBOB, and intended for sale or use in any covered area:

(i) Unless such gasoline meets the definition of reformulated gasoline or RBOB; and

(ii) Unless the properties of such gasoline or RBOB correspond to the product transfer documents.

(3) [Reserved]

(4) Gasoline shall be presumed to be intended for sale or use in a covered area unless:

(i) Product transfer documentation as described in § 80.77 accompanying such gasoline clearly indicates the gasoline is intended for sale and use only outside any covered area; or

(ii) The gasoline is contained in the storage tank of a retailer or wholesale purchaser-consumer outside any covered area.

(5) No person may combine any reformulated gasoline with any conventional gasoline or blendstock, except that a refiner may do so at a refinery under the requirements specified in § 80.65(i), or if the combined product is designated as conventional gasoline.

(6) No person may add any oxygenate to reformulated gasoline, except that such oxygenate may be added to reformulated gasoline provided that such gasoline is used in an oxygenated fuels program control area during an oxygenated fuels control period.

(7) No person may combine any reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate except:

(i) Oxygenate of the type and amount (or within the range of amounts) specified by the refiner or importer at the time the RBOB was produced or imported;

(ii) Other RBOB for which the same oxygenate type and amount (or range of amounts) was specified by the refiner or importer; or

(iii) Under the terms of paragraph (a)(5) of this section.