

§ 80.214

40 CFR Ch. I (7-1-08 Edition)

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 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.

Environmental Protection Agency

§ 80.215

(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
 - Coconino
 - Gila
 - Greenlee
 - Navajo
- Nebraska
 - Banner
 - Box Butte
 - Cheyenne
 - Dawes
 - Deuel
 - Garden
 - Keith
 - Kimball
 - Morrill
 - Scotts Bluff
 - Sheridan
 - Sioux
- Nevada
 - Elko
 - Eureka
 - Humboldt
 - Lander
 - Lincoln
 - White Pine
- Oregon
 - Baker
 - Crook
 - Gilliam
 - Grant
 - Harney
 - Malheur
 - Morrow
 - Sherman
 - Umatilla
 - Union
 - Wallowa
 - Wheeler
- South Dakota
 - Bennett
 - Butte
 - Corson
 - Custer
 - Dewey
 - Fall River

- Haakon
- Harding
- Jackson
- Jones
- Lawrence
- Meade
- Mellette
- Pennington
- Perkins
- Shannon
- Stanley
- Todd
- Ziebach

Washington

- Adams
- Asotin
- Benton
- Chelan
- Columbia
- Douglas
- Ferry
- Franklin
- Garfield
- Grant
- Kittitas
- Klickitat
- Lincoln
- Okanogan
- Pend Oreille
- Spokane
- Stevens
- Walla Walla
- Whitman
- Yakima

(ii) The list of Federal Indian reservations follows: Burns Paiute, Cheyenne River, Colville, Duck Valley, Ely Colony, Fort Apache, Fort McDermitt, Goshute, Haulapai, Havasupai, Hopi, Kalispel, Navajo, Pine Ridge, Rosebud, Yakama, San Carlos, Spokane, Standing Rock, Summit Lake, Te-Moak, Umatilla, Winnemucca.

(3) Contiguous tribal reservations of a particular tribe are included in the GPA if a portion of the tribal reservation is within the GPA state or county.

(4) Any dispensing facility located partially within a GPA county or tribal reservation land shall be considered fully within the GPA for purposes of this program.

(b) *Duration of the program.* (1) The geographic phase-in program applies to the 2004, 2005, and 2006 annual averaging periods, except as provided in paragraph (b)(2) of this section.

§ 80.216

40 CFR Ch. I (7–1–08 Edition)

(2) Subject to the provisions of § 80.540, the geographic phase-in program shall also apply to the 2007 and 2008 annual averaging period for refiners approved for GPA standards in 2007 and 2008 under § 80.540.

(c) *Persons eligible.* Any refiner or importer who produces or imports gasoline for use in the geographic area under paragraph (a) of this section is eligible to apply for the geographic phase-in program. The provisions of the geographic phase-in program shall apply to imported gasoline through the importer.

[65 FR 6823, Feb. 10, 2000, as amended at 66 FR 5136, Jan. 18, 2001; 66 FR 19306, Apr. 13, 2001; 70 FR 70509, Nov. 22, 2005]

§ 80.216 What standards apply to gasoline produced or imported for use in the GPA?

(a) The refinery or importer annual average sulfur standard for gasoline produced or imported for use in the geographic phase-in area under § 80.215, and designated as GPA gasoline under § 80.219(a), shall be 150.00 ppm.

(b) The per-gallon cap standard for gasoline produced or imported for use in the GPA under paragraph (a) of this section shall be 300 ppm, except as specified in § 80.195(d).

(c) The refinery or importer annual average sulfur level is calculated in accordance with the provisions of § 80.205.

(d) The refinery or importer annual average standard under paragraph (a) of this section may be met using sulfur allotments or credits as provided under §§ 80.275 and 80.315.

(e) Gasoline produced by approved small refiners subject to the standards under § 80.240 is not subject to the standards under paragraphs (a) and (b) of this section.

(f)(1) A refiner or importer whose gasoline production or volume of imported gasoline in 2004 or 2005 is comprised of more than 50 percent of gasoline designated as GPA gasoline under § 80.219(a) shall not be required to meet the corporate pool average standards under § 80.195 for its gasoline production or imported gasoline during the applicable averaging period.

(2) A refiner or importer whose gasoline production or volume of imported gasoline in 2004 or 2005 is comprised of

less than 50 percent of gasoline designated as GPA gasoline under § 80.219(a) must meet the corporate pool average standards under § 80.195 for all the refiner's gasoline production or the importer's volume of imported gasoline, including GPA gasoline, during the applicable averaging period.

(g) The provisions for compliance deficits under § 80.205(e) do not apply to gasoline subject to the standards under paragraphs (a) and (b) of this section.

[65 FR 6823, Feb. 10, 2000, as amended at 66 FR 19306, Apr. 13, 2001; 67 FR 40182, June 12, 2002]

§ 80.217 How does a refiner or importer apply for the GPA standards?

(a) To apply for the GPA standards under § 80.216, a refiner or importer must submit an application in accordance with the provisions of § 80.290.

(b) Applications under paragraph (a) of this section must be submitted by May 1, 2001.

(c)(1) If approved, EPA will notify the refiner or importer of each refinery's or the importer's annual average sulfur standard for gasoline produced for use in the GPA for the 2004 through 2006 annual averaging periods.

(2) If disapproved, the refiner or importer must comply with the standards in § 80.195 for gasoline produced for use in the GPA.

(d) If EPA finds that a refiner or importer provided false or inaccurate information on its application under this section, upon notice from EPA, the refiner's or importer's application will be void *ab initio*.

[65 FR 6823, Feb. 10, 2000, as amended at 66 FR 19306, Apr. 13, 2001]

§ 80.218 [Reserved]

§ 80.219 Designation and downstream requirements for GPA gasoline.

The requirements and prohibitions specified in this section apply during the period January 1, 2004 through December 31, 2006.

(a) *Designation.* Any refiner or importer shall designate any gasoline produced or imported that is subject to the standards under § 80.216 as "GPA" gasoline.