(3) Blending stocks transferred to others;
(4) Gasoline that has been included in the compliance calculations for another refinery or importer; and
(5) Gasoline exempted from standards under §80.200.

(e)(1) A refiner or importer may exceed the refinery or importer annual average sulfur standard specified in §80.195 for a given averaging period for any calendar year through 2010, creating a compliance deficit, provided that in the calendar year following the year the standard is not met, the refiner or importer shall:
(i) Achieve compliance with the refinery or importer annual average sulfur standard specified in §80.195; and
(ii) Use additional sulfur credits sufficient to offset the compliance deficit of the previous year.

(2) No refiner or importer may have a compliance deficit in any year after 2010. Any deficit that exists in 2010 must be made up in 2011.

§80.210 What sulfur standards apply to gasoline downstream from refineries and importers?
The sulfur standard for gasoline at any point in the gasoline distribution system downstream from refineries and import facilities, including gasoline at facilities of distributors, carriers, oxygenate blenders, retailers and wholesale purchaser-consumers (“downstream location”), shall be determined in accordance with the provisions of this section.

(a) Definition. S-RGAS means gasoline that is subject to the standards under §80.240 or §80.270, including Certified Sulfur-FRGAS as defined in §80.410, except that no batch of gasoline may be classified as S-RGAS if the actual sulfur content is less than the applicable per-gallon refinery cap standard specified in §80.195.

(b) Standards for gasoline that does not qualify for S-RGAS downstream standards. The following standards apply to any gasoline that does not qualify for S-RGAS downstream standards under in paragraph (d) of this section:
(1) Starting February 1, 2004 the sulfur content of gasoline at any downstream location other than at a retail outlet or wholesale purchaser-consumer facility, and starting March 1, 2004 the sulfur content of gasoline at any downstream location, shall not exceed 378 ppm.

(2) Except as provided in §80.220(a), starting February 1, 2005 the sulfur content of gasoline at any downstream location other than at a retail outlet or wholesale purchaser-consumer facility, and starting March 1, 2005 the sulfur content of gasoline at any downstream location, shall not exceed 326 ppm.

(3) Except as provided in §80.220(a), starting February 1, 2006 the sulfur content of gasoline at any downstream location other than at a retail outlet or wholesale purchaser-consumer facility, and starting March 1, 2006 the sulfur content of gasoline at any downstream location, shall not exceed 95 ppm.

(c) Standards for gasoline that qualifies for S-RGAS downstream standards. In the case of any gasoline that qualifies for S-RGAS downstream standards under paragraph (d) of this section, the sulfur standard shall be the downstream standard for the gasoline calculated under paragraph (f) of this section. In the case of mixtures of gasoline that qualify for different S-RGAS downstream standards, the sulfur standard shall be the highest downstream standard applicable to any of the S-RGAS in the mixture.

(d) Gasoline that qualifies for S-RGAS downstream standards. Gasoline qualifies for S-RGAS downstream standards if all of the following conditions are met:
(1) The gasoline must be comprised in whole or part of S-RGAS.
(2) Product transfer documents applicable to the gasoline when received at that location must represent that the gasoline contains S-RGAS.

(3) Except as provided in paragraph (d)(4) of this section, the gasoline must have been sampled and tested at that location subsequent to the most recent receipt of gasoline at that location, and the test result must show a sulfur content greater than:
(i) 350 ppm starting February 1, 2004;
(ii) 300 ppm starting February 1, 2005; and

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§ 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