

§ 80.173

40 CFR Ch. I (7–1–12 Edition)

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 § 80.168(e) shall constitute a separate day of violation for each and every day the PRC in violation remains at any place in the PRC or gasoline distribution system, beginning on the day that the PRC is in violation of the respective prohibition and ending on the last day that detergent-additized gasoline containing the PRC is offered for sale or is dispensed to any ultimate consumer.

(e) *Product transfer document non-conformity.* Any violation of § 80.168(c) shall constitute a separate day of violation for every day the PTD is not fully in compliance. This is to begin on the day that the PTD is created or should have been created and to end at the later of the following dates:

(1) The day that the document is corrected and comes into compliance; or

(2) The day that gasoline not additized in conformity with detergent certification program requirements, as a result of the PTD non-conformity, is offered for sale or is dispensed to the ultimate consumer.

(f) *Volumetric additive reconciliation recordkeeping non-conformity.* Any VAR recordkeeping violation of § 80.168(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 compliance standard non-conformity.* Any violation of the VAR compliance standard established in § 80.170 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 equipment calibration non-conformity.* Any VAR equipment calibration viola-

tion of § 80.168(b) shall constitute a separate day of violation for every day a VAR equipment calibration requirement is not met.

[61 FR 35380, July 5, 1996, as amended at 61 FR 58747, Nov. 18, 1996]

§ 80.173 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 detergent certification program, provided that:

(1) The detergent (or fuel containing the detergent), or the gasoline, is kept segregated from non-exempt product, and the party possessing the product maintains documentation identifying the product as research, development, or testing detergent or fuel, as applicable, and stating that it is to be used only for research, development, or testing purposes; and

(2) The detergent (or fuel containing the detergent), or the gasoline, is not sold, dispensed, or transferred, or offered for sale, dispensing, or transfer, from a retail outlet. It shall also not be sold, dispensed, or transferred or offered for sale, dispensing, or transfer from a wholesale purchaser-consumer facility, unless such facility is associated with detergent, fuel, automotive, or engine research, development or testing; and

(3) The party using the product for research, development, or testing purposes, or the party sponsoring this usage, notifies the EPA, on at least an annual basis and prior to the use of the product, of the purpose(s) of the program(s) in which the product will be used and the anticipated volume of the product to be used. The information must be submitted to the address or fax number specified in § 80.174(c).

(b) *Racing fuel and aviation fuel exemptions.* Any fuel that is refined, sold, dispensed, transferred, or offered for

sale, dispensing, or transfer as automotive racing fuel or as aircraft engine fuel, is exempted from the provisions of this subpart, provided that:

(1) The fuel is kept segregated from non-exempt fuel, and the party possessing the fuel for the purposes of refining, selling, dispensing, transferring, or offering for sale, dispensing, or transfer as automotive racing fuel or as aircraft engine fuel, maintains documentation identifying the product as racing fuel, restricted for non-highway use in racing motor vehicles, or as aviation fuel, restricted for use in aircraft, as applicable;

(2) Each pump stand at a regulated party's facility, from which such fuel is dispensed, is labeled with the applicable fuel identification and use restrictions described in paragraph (b)(1) of this section; and

(3) The fuel is not sold, dispensed, transferred, or offered for sale, dispensing, or transfer for highway use in a motor vehicle.

(c) *California gasoline exemptions.* (1) Gasoline or PRC which is additized in the State of California is exempt from the VAR provisions in §§80.168 (b) and (e) and 80.170, provided that:

(i) For all such gasoline or PRC, whether intended for sale within or outside of California, records of the type required for California gasoline (specified in title 13, California Code of Regulations, section 2257) are maintained; and

(ii) Such records, with the exception of daily additization records, are maintained for a period of five years from the date they were created and are delivered to EPA upon request.

(2) Gasoline or PRC that is transferred and/or sold solely within the State of California is exempt from the PTD provisions of the detergent certification program, specified in §§80.168(c) and 80.171.

(3) Nothing in this paragraph (c) exempts such gasoline or PRC from the requirements of §80.168 (a) and (e), as applicable. EPA will base its determination of California gasoline's conformity with the detergent's LAC on the additization records required by CARB, or records of the same type.

[61 FR 35380, July 5, 1996]

§ 80.174 Addresses.

(a) The detergent additive sample required under §80.161(b)(2) shall be sent to: Manager, Fuels and Technical Analysis Group, Testing Services Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

(b) Other detergent registration and certification data, and certain other information which may be specified in this subpart, shall be sent to: Detergent Additive Certification, Director, Fuels and Energy Division, U.S. Environmental Protection Agency (6406J), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) Notifications to EPA regarding program exemptions, detergent dilution and commingling, and certain other information which may be specified in this subpart, shall be sent to: Detergent Enforcement Program, U.S. Environmental Protection Agency, Suite 214, 12345 West Alameda Parkway, Denver, CO 80228, (FAX 303-969-6490).

[61 FR 35381, July 5, 1996]

Subpart H—Gasoline Sulfur

SOURCE: 65 FR 6823, Feb. 10, 2000, unless otherwise noted.

GENERAL INFORMATION

§§ 80.180–80.185 [Reserved]

§ 80.190 Who must register with EPA under the sulfur program?

(a) Refiners and importers who are registered by EPA under §80.76 are deemed to be registered for purposes of this subpart.

(b) Refiners and importers subject to the standards in §80.195 who are not registered by EPA under §80.76 must provide to EPA the information required by §80.76 by November 1, 2003, or not later than three months in advance of the first date that such person produces or imports gasoline, whichever is later.

(c) Refiners with any refinery subject to the small refiner standards under §80.240, or refiners subject to the geographic phase-in area (GPA) standards