

**§ 80.1604**

(f) of this section is calculated as follows:

$$Dy = CSVy - (Vy \times 10y)$$

Where:

Dy = Sulfur deficit created in compliance period y, in ppm-gallons.

**§ 80.1604 Gasoline sulfur standards and requirements for parties downstream of refiners and importers.**

(a) The sulfur standard for gasoline at any downstream location shall be determined in accordance with the provisions of this section. A downstream location is any point in the gasoline distribution system downstream from refineries and import facilities, including, but not limited to, facilities of any of the following parties:

- (1) Distributors.
- (2) Carriers.
- (3) Oxygenate blenders.
- (4) Retailers.
- (5) Wholesale purchaser-consumers.

(b) Except as otherwise provided in this subpart O, the sulfur content of gasoline at any downstream location shall not exceed 95 ppm, on a per-gallon basis, beginning January 1, 2017.

**§ 80.1605 Deficit carryforward for refiners and importers.**

(a) *Deficit carryforward.* A refiner or importer may exceed the annual average sulfur standard for a given calendar year, creating a compliance deficit, provided that, in the calendar year following the year the standard is not met, the refinery or importer—

- (1) Achieves compliance with the annual average sulfur standard in § 80.1603(a)(1); and
- (2) Uses additional sulfur credits sufficient to offset the compliance deficit of the previous year.

(b) The compliance deficit value shall be calculated in accordance with § 80.1603(f)(3).

**§ 80.1606 [Reserved]**

**§ 80.1607 Gasoline sulfur standards and requirements for transmix processors and transmix blenders.**

Transmix processors and transmix blenders may comply with the following sampling and testing requirements and standards instead of the sampling and testing requirements and

standards otherwise applicable to a refiner under this subpart O.

(a) Any transmix processor who recovers transmix gasoline product (TGP) from transmix through transmix processing under § 80.84(c) must show through sampling and testing (using the methods in § 80.1630) that the TGP meets the applicable sulfur standards under § 80.1604(b), prior to the TGP leaving the transmix processing facility.

(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 this subpart O, and must meet the downstream sulfur standards under § 80.1604 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 must meet the sampling and testing requirements of this subpart O using one of the following methods:

(1) *Option 1.* (i) Sample and test the blendstock that will be added to TGP during the compliance year when received at the transmix processing facility, using the methods specified in § 80.1630, 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 § 80.1603.

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

(A) Sampling and testing by the blendstock supplier is performed using the methods specified in § 80.1630.

(B) Testing for the sulfur content of the blendstock in the supplier's storage tank must be conducted following the last receipt of blendstock into the supplier's storage tank that supplies the transmix processor.

(C) The transmix processor must obtain a copy of the blendstock supplier's

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test results, reflecting the sulfur content of each load of blendstock supplied to the transmix processor, at the time of each transfer of blendstock 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.

(iii) If any of the requirements of paragraph (d)(1)(ii) of this section are not met, in whole or in part, for any blendstock blended into TGP, the gasoline produced with that blendstock is deemed in violation of the gasoline sulfur standards of this subpart O.

(2) *Option 2.* (i) Sample and test each batch of TGP and determine the volume of the TGP.

(ii) Sample and test the gasoline produced by blending blendstock into TGP, and determine its volume.

(iii) Calculate the sulfur content and the volume of the batch by subtracting the volume and sulfur content of the TGP from the volume and sulfur content of the gasoline after blendstock blending. For purposes of compliance and reporting, the sulfur content shall be the calculated volume and sulfur content of the blendstock, and the applicable standards shall be the average and cap standards in § 80.1603. The applicable cap standard of the gasoline blend shall be the cap standard under § 80.1604.

(iv) Tests shall be performed using the methods specified in § 80.1630, to determine the sulfur content of the batch.

(v) The sulfur content of each batch of gasoline produced by blending blendstock into TGP must be no greater than the downstream sulfur standard under § 80.1604 applicable to the designation of the TGP.

(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 § 80.1604 for the gasoline produced by blending transmix and

previously certified gasoline and the endpoint standard specified in § 80.84.

(f) Any transmix processor or transmix blender who adds any feedstock to its transmix other than gasoline, distillate fuel, or gasoline blendstocks from pipeline interface must meet all requirements and standards that apply to a refiner under this subpart O for all gasoline it produces during a compliance period.

### § 80.1608 [Reserved]

### § 80.1609 Oxygenate blender requirements.

(a) Oxygenate blenders who blend only oxygenate that complies with the requirements of paragraph (b) of this section into gasoline downstream of the refinery that produced the gasoline or the import facility where the gasoline was imported are not subject to the refiner or importer requirements of this subpart for such gasoline, but are subject to the requirements and prohibitions applicable to downstream parties in this subpart. Such oxygenate blenders are subject to the requirements of paragraph (b) of this section, the requirements and prohibitions applicable to downstream parties, the requirements of § 80.1603(d)(4), and the prohibition specified in § 80.1660(e).

(b) Beginning January 1, 2017, the DFE or other oxygenate used must comply with the requirements of § 80.1610 and all of the other requirements of this subpart O. Prior to January 1, 2017, DFE is subject to the sulfur requirements of § 80.385(e).

### § 80.1610 Standards and requirements for producers and importers of denatured fuel ethanol and other oxygenates designated for use in transportation fuel.

Beginning January 1, 2017, producers and importers of denatured fuel ethanol (DFE) or other oxygenates designated for use in transportation fuel must comply with the following requirements:

(a) *Standards.* (1) The sulfur content must not be greater than 10 ppm.

(2) The DFE or other oxygenate must be composed solely of carbon, hydrogen, nitrogen, oxygen and sulfur.

(3) In the case of DFE, only previously certified gasoline (including