

## § 80.1661

(g) *Denaturant violation.* Cause or contribute to the introduction into commerce of an ethanol denaturant designated as suitable for the production manufacture of denatured fuel ethanol meeting federal quality requirements which does not comply with the requirements of § 80.1611.

(h) *Credit violation.* Generate, transfer, or use invalid credits or improperly transfer or use credits.

(i) *Export violation.* Distribute or dispense gasoline intended for export (pursuant to § 80.1603(b)(3)) for use in the United States.

(j) *Failure to meet a requirement.* Fail to meet a requirement that applies to that person under this subpart.

### **§ 80.1661 What evidence may be used to determine compliance with the prohibitions and requirements of this subpart and liability for violations of this subpart?**

(a) Compliance with the sulfur standards of this subpart O shall be determined based on the sulfur level, measured or otherwise determined as applicable using the methodologies specified in §§ 80.47, 80.1611, and 80.1630. Any evidence or information, including the exclusive use of such evidence or information, may be used to establish the sulfur level of gasoline, ethanol denaturant, or oxygenate if the evidence or information is relevant to whether the sulfur level would have been in compliance with the standards if the appropriate sampling and testing methodology or other sulfur determination methodology as applicable had been correctly performed. Such evidence may be obtained from any source or location and may include, but is not limited to, test results using methods other than those specified in §§ 80.47 and 80.1630, business records, and commercial documents.

(b) Determinations of compliance with the requirements of this subpart other than the sulfur standards, and determinations of liability for any violation of this subpart, may be based on information obtained from any source or location. Such information may include, but is not limited to, business records and commercial documents.

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### **§ 80.1662 Liability for violations.**

The following persons are liable for violations under this subpart:

(a) *Persons liable for violations of prohibited acts.* (1) *Averaging violation.* Any refiner or importer who violates § 80.1660(a) is liable for the violation.

(2) *Causing an averaging violation.* Any refiner, importer, distributor, reseller, carrier, retailer, wholesale purchaser-consumer, oxygenate blender, ethanol denaturant producer, or ethanol denaturant importer who causes another party to violate § 80.1660(a), is liable for a violation of § 80.1660(c).

(3) *Cap standard violation.* Any refiner, gasoline importer, distributor, reseller, carrier, retailer, wholesale purchaser-consumer, oxygenate producer, oxygenate importer, oxygenate blender, ethanol denaturant producer, ethanol denaturant importer, additive manufacturer, or additive blender who owned, leased, operated, controlled or supervised a facility where a violation of § 80.1660(b) occurred, is deemed in violation of § 80.1660(b).

(4) *Causing a cap standard violation.* Any refiner, gasoline importer, distributor, reseller, carrier, retailer, wholesale purchaser-consumer, oxygenate producer, oxygenate importer, oxygenate blender, ethanol denaturant producer, ethanol denaturant importer, additive manufacturer, or additive blender who produced, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation or storage of gasoline, oxygenate, or ethanol denaturant that violates § 80.1660(b), is deemed in violation of § 80.1660(c).

(5) *Branded refiner/importer liability.* Any refiner or importer whose corporate, trade, or brand name, or whose marketing subsidiary's corporate, trade, or brand name appeared at a facility where a violation of § 80.1660(b) occurred, is deemed in violation of § 80.1660(b).

(6) *Causing violating gasoline to be in the distribution system.* Any refiner, gasoline importer, distributor, reseller, carrier, oxygenate producer, oxygenate importer, oxygenate blender, ethanol denaturant producer, ethanol denaturant importer, additive manufacturer, or additive blender who owned,