EPA420-F-94-009
October 3, 1994

RFG/Anti-Dumping Questionis and Answers October 3, 1994

Fuels and Energy Division
Office of Mobile Sources
U.S. Environmental Protection Agency

RFG/Anti-Dumping Questions and Answer, October 3, 1994

The following are responses to most of the questions received by the Environmental Protection Agency (EPA) through September 19, 1994, concerning the manner in which the EPA intends to implement and assure compliance with the reformulated gasoline and anti-dumping regulations at 40 CFR Part 80. This document was prepared by EPA's Office of Air and Radiation, Office of Mobile Sources, and Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, Air Enforcement Division.

Regulated parties may use this document to aid in achieving compliance with the reformulated gasoline (RFG) and anti-dumping regulations. However, this document does not in any way alter the requirements of these regulations. While the answers provided in this document represent the Agency's interpretation and general plans for implementation of the regulations at this time, some of the responses may change as additional information becomes available or as the Agency further considers certain issues.

This guidance document does not establish or change legal rights or obligations. It does not establish binding rules or requirements and is not fully determinative of the issues addressed. Agency decisions in any particular case will be made applying the law and regulations on the basis of specific facts and actual action.

While we have attempted to include answers to all questions received by September 19, 1994, the necessity for policy decisions and/or resource constraints may have prevented the inclusion of certain questions. Questions not answered in this document will be answered in a subsequent document. Questions that merely require a justification of the regulations, or that have previously been answered or discussed either in a previous Question and Answer document or the Preamble to the regulations have been omitted.

Topics Covered

BASELINE DEVELOPMENT - CALCULATIONS

1. **Question**: Does the refiner baseline, either an individual baseline or statutory baseline, have any relevance when calculating the toxic emissions reduction requirements for RFG, assuming the simple model technique is used? Does each refiner have a different starting point and therefore a different ending point when achieving the 15% reduction in toxic emissions?

Answer: Under the simple model, individual baselines are not used to determine compliance with the toxics standard for RFG. The toxics standard is set at a specified percentage reduction in emissions, determined using a model specified in the regulations. Neither the toxics standard nor the toxics emissions model are based on a refiner's or importer's individual baseline values. Each refiner has the same "endpoint" in that they have the same emissions performance standard, measured using the same emissions model. Each refiner has its own "starting point" in that the actual characteristics of that producer's fuel is used in the emissions model. However, the individual baseline is not used to determine compliance with the toxics standard.

SAMPLING AND TESTING

[Note: The following is an update for the answer to question 2 under Independent Sampling and Testing from the August 29, 1994 Question and Answer Document. This update corrects two dates under item 1.2, and adds one additional number (00) to the random number table under item 4.2.]

2. **Question:** What procedures should independent labs use to identify the samples for analysis under the 10% independent analysis option? What samples will EPA want to receive from independent labs?

Answer: Please see the following Protocol.

REFORMULATED GASOLINE PROGRAM

INDEPENDENT SAMPLING AND TESTING REQUIREMENTS

PROTOCOL

FOR USE BY INDEPENDENT LABS IN SELECTING SAMPLES FOR ANALYSIS UNDER THE 10% INDEPENDENT ANALYSIS OPTION, AND FOR IDENTIFYING SAMPLES TO SHIP TO EPA.

1.0 General Instructions.

1.1 This protocol constitutes EPA identification under § 80.65(f)(1)(ii)(B) of samples that must be analyzed for refiners and importers using the 10% independent analysis option of § 80.65(f)(1)(ii), and must be followed separately for each refinery or importer for which the independent lab is being used to fulfill the 10% independent analysis option. This protocol also constitutes EPA identification under § 80.65(f)(3)(iv) of samples that independent labs must ship to EPA .

1.2 In the case of the 10% independent analysis option, this protocol must be used to select the samples for analysis for each two week period. Each two-week period begins on Sunday night at midnight, and lasts for the subsequent two weeks. The first two-week period begins at midnight on August 7, 1994, the second two-week period begins at midnight on August 21, 1994, etc.

1.3 This protocol may be replaced at any time by EPA with different instructions for selecting samples for analysis under the 10% independent analysis option, or for shipping samples to EPA.

1.4 EPA may issue special instructions for selecting samples for analysis or shipping to EPA for any specific refiner, refinery, importer, or independent lab that differ in whole or in part from the instructions contained in this protocol, and if such special instructions are issued they must be followed instead of the instructions contained in this protocol.

1.5 Definitions:

RFG - reformulated gasoline
RBOB - reformulated gasoline blendstock for oxygenate blending

2.0 Identify Samples for the Current Analysis Cycle.

2.1 Identify each sample of RFG or RBOB collected during the preceding two-week period, and the refiner or importer assigned batch identification number for each sample.

2.2 Add any samples carried over from a prior analysis cycle, from 3.2 and 3.4.1.

2.3 Order the samples from the preceding two-week period, plus any carry over samples, in chronological order using the batch identification number for each sample.

3.0 Determine the Number of Samples to be Analyzed.

3.1 The number of samples that must be analyzed for the current analysis cycle is the number of samples identified under step 2.0 that is evenly divisible by ten.

3.2 Any remainder from this division is the number of samples that must be carried over to the subsequent analysis cycle. Any carry over samples must be those with the largest batch identification numbers.

For example, if the number of samples identified under step 2.0 is thirty seven, with batch numbers 4321-54321-95-002534 through 4321-54321-95-002570, the number of samples that must be analyzed in the current analysis cycle is three, and seven samples must be carried over to the subsequent analysis cycle. The specific samples that must be carried over are those seven with the largest batch identification numbers, or samples 4321-54321-95-002564 through 4321-54321-95-002570.

3.3 To the extent any sample carry over would result in a sample being retained by the independent lab for more than 30 days, this protocol constitutes EPA's request under § 80.65(f)(3)(ii) to retain the sample for more than 30 days. This additional sample retention request is for the length of time until the sample is not carried over to a subsequent analysis cycle, but for a maximum of 180 days.

3.4 Case Where Number of Samples is Less than Ten

3.4.1 If the number of samples identified under step 2.0 is less than ten, then all samples should be carried over to the subsequent analysis cycle.

3.4.2 If, however, the number of samples identified under step 2.0 is less than ten, and any sample carry over would result in a sample being retained for more than 180 days, then one sample must be analyzed from the number, and none of the samples would be carried over to the subsequent analysis cycle.

4.0 Identify Which Samples to Analyze

4.1 Identify the beginning point for using the Random Number Table at 4.2 for the current analysis cycle.

4.1.1 Identify the last two digits from the closing point for the Dow Jones Industrial Average as reported in the Wall Street Journal for the first day the New York Stock Exchange is open following the close of the preceding two-week period.

For example, for the two-week period ending at midnight on Sunday, August 20, the relevant two digits would be the last two digits for the close for the Dow Jones Industrial Average for Monday, August 21, as reported in the Wall Street Journal for Tuesday, August 22. If this Dow Jones Industrial Average close is 3,741.06, the relevant two digits would be 06.

4.1.2 The beginning point for the Random Number Table at 4.2 for the current analysis cycle is the row number (from Column A of Table 4.2) that corresponds to the number identified under 4.1.1.

Using the example from 4.1.1, the applicable row number would be 06, and the first random number would be 27.

4.2 Random Number Table

Column A	Column B
00	60
01	77
02	38
03	16
04	45
05	39
06	27
07	93
08	97
09	37
10	06
11	18
12	98
13	05
14	92
15	72
16	71
17	87
18	20
19	41
20	00
21	78
22	33
23	61
24	75
25	25
26	54
27	80
28	32
29	17
30	15
31	63
32	04
33	21
34	90
35	68
36	58
37	13
38	47
39	91
40	95
41	01
42	02
43	76
44	79
45	19
46	11
47	88
48	73
49	43
50	74
51	12
52	31
53	85
54	94
55	35
56	40
57	55
58	86
59	34
60	22
61	46
62	89
63	70
64	50
65	03
66	09
67	67
68	42
69	82
70	84
71	96
72	28
73	66
74	49
75	23
76	26
77	81
78	65
79	29
80	64
81	57
82	59
83	83
84	10
85	52
86	53
87	30
88	48
89	69
90	24
91	62
92	99
93	51
94	56
95	36
96	08
97	14
98	07
99	44

4.3 For each sample for the current analysis cycle under 2.0, excluding any samples carried over to the subsequent analysis cycle under 3.2 or 3.4.1, identify the last two digits of the batch identification number.

This process is illustrated in the following table:

If the batch number is:	The last two digits are:
4321-54321-95-002533	33
4321-54321-95-002593	93

4.4 Compare the two digit number from Column B of the Random Number Table at the beginning point identified under 4.1.2 (the first random number) with each of the two digit sample numbers Identified under 4.3.

4.5 If the first random number matches any sample number, this sample is identified as a sample for analysis. If the random number matches more than one sample number, only the sample with the lowest batch identification number is identified as a sample for analysis.

4.6 If the first random number does not match any sample number, then move to the next number in the Random Number Table, and repeat the process described under 4.5.

In the example under 4.3, there is no match for the first random number (27), but there is a match for the second random number (93), and sample number 4321-54321-95-002593 would be identified for analysis.

4.7 Continue this process until the number of samples identified for analysis equals the number under 3.1 or 3.4.2.

5.0 Analysis of Identified Samples

5.1 Proceed to analyze each sample identified under 4.0 as specified under § 80.65(f)(1)(ii)(C).

5.2 If a sample to be analyzed is of RBOB, the sample first must be blended with the applicable amount and type of oxygenate. The following chart specifies this oxygenate blending with RBOB:

RBOB Type	Oxygenate Type	Oxygen Volume
Any-Oxygenate	Ethanol	2.0 wt%
Ether-Only	MTBE	2.0 wt%
Any-Renewable-Oxygenate	Ethanol	2.0 wt%
Renewable-Ether-Only	ETBE	2.0 wt%
Non-VOC-Controlled-Renewable-Ether-Only	ETBE	2.0 wt%
Refiner-Specified	[1]	[2]

This requirement to blend RBOB with oxygenate applies to refiners and importers who are using both the 10% independent analysis option under § 80.65(f)(1)(ii) and the 100% independent analysis option under § 80.65(f)(1)(i).

6.0 Shipment of Samples to EPA

6.1 Quality Assurance Samples

For purposes of quality assurance oversight, a portion of certain samples must be sent to EPA, under § 80.65(f)(3)(iv), at the frequencies specified in this item 6.1. This requirement applies to refiners and importers who are using both the 10% independent analysis option under § 80.65(f)(1)(ii) and the 100% independent analysis option under § 80.65(f)(1)(i). EPA may specify a different frequency for sending quality assurance samples to EPA for any refiner, refinery, importer, or independent lab, and if such different frequency is specified it must be followed.

6.1.1 Refiners and Importers Using the 10% Independent Analysis Option

6.1.1.1 In the case of samples identified for analysis under 4.0, for each thirty-third sample that is analyzed for each refinery or importer a portion of the sample must be sent to EPA.

6.1.1.2 In the case of samples that are not identified for analysis under 4.0, each thirty-third sample that is collected for each refinery or importer but that is not analyzed by the independent lab must be sent to EPA.

---

[1] The oxygenate specified in the refiner's instructions, or if more than one oxygenate is allowed, from the following list of oxygenates the first that is allowed by the refiner's instructions: ethanol, MTBE, ETBE, any other specified oxygenate.

[2] The volume specified in the refiner's instructions, or if a range is specified, the minimum vol% oxygenate allowed.

6.1.2 Refiners and Importers Using the 100% Independent Analysis Option

For every thirty-third sample that is analyzed for each refinery or importer, a portion of the sample must be sent to EPA.

6.2 Samples That Violate Applicable Standards

6.2.1 In the case of refiners or importers who are using the 100% independent analysis option, a portion of each sample that violates an applicable per-gallon standard must be sent to EPA.

6.2.2 The applicable standards are those specified under § 80.41. In the case of parameters being met on a per-gallon basis, the per-gallon standards are the applicable standards. In the case of parameters being met on an average basis, the per-gallon minimums and maximums are the applicable standards.

6.3 Shipping of Samples

6.3.1 Each sample sent to EPA must be sealed in containers and transported in accordance with the procedures specified in Appendix D to 40 CFR Part 80, and identified with the independent lab's name and registration number and the sample information specified in § 80.65(f)(3)(i).

6.3.2 The quantity of sample that must be sent is: in the case of samples that have been analyzed by the independent lab, the entire volume remaining following the laboratory analysis which should be a minimum of one pint; and in the case of samples that have not been analyzed by the independent lab, the entire volume that is collected by the independent lab, or a minimum of one quart.

6.3.3 Samples identified for shipping to EPA under 6.1 or 6.2 must be sent to EPA via an overnight package service to:

United States Environmental Protection Agency
Motor Vehicle and Fuels Emissions Laboratory
Fuels and Chemicals Analysis Branch
2565 Plymouth Road
Ann Arbor, Michigan 48105
(313) 668-4200

TEST METHODS

1. **Question:** Will a portable midrange infrared analyzer be acceptable if correlated to the mandatory test method at an independent laboratory for monitoring the oxygenates, benzene, and aromatics for terminals and retailers in their quality assurance programs?

Answer: Testing for downstream quality assurance programs may be done with test methods other than the regulatory methods if adequate correlation to the regulatory test methods is demonstrated. However, testing for downstream oxygenate blending must be done using the regulatory test methods.

RFG GENERAL REQUIREMENTS

1. **Question:** If RFG is sold outside of an RFG area, are there any labelling changes, physically on the pump, that will be required?

Answer: There are no pump labelling requirements under the RFG program, either inside or outside RFG covered areas. However, a mixture of conventional gasoline and RFG may not be sold as reformulated gasoline. Parties, therefore, should only sell gasoline as RFG if it has been segregated from conventional gasoline.

COMPLIANCE ON AVERAGE/CREDITS

1. **Question:** Can oxygen and benzene credits be transferred from the RFG area where they are created to another RFG area?

Answer: Benzene and renewable oxygenate credits may be transferred from the refiner or importer who creates the credits to any other refiner or importer who would use the credits. Oxygen credits may be transferred from the refiner, importer, or oxygenate blender who creates the oxygen credits to any other refiner, importer, or oxygenate blender who would use the credits. Credits are not associated with any RFG covered area either when they are created or when they are used, so there is no restriction on credit transfers based on the specific RFG covered areas where the transferor or transferee refiner, importer, or oxygenate blender are located.

DOWNSTREAM OXYGENATE BLENDING

1. **Question:** Must a party be registered as an oxygenate blender in order to add oxygenate to certified RFG that is designated as OPRG and that is used in an oxygenated fuels program area during the oxygenated fuels control period, in order to bring the oxygen content of the RFG up to

2.7 wt% oxygen? May the refiner who produced the RFG to which the oxygenate is added in such a situation apply the oxygenate to the refiner's compliance calculations?

Answer: Section 80.78(a)(6) prohibits the addition of oxygenate to RFG, except for RFG that is designated as OPRG and is used in an oxygenated fuels control area during the oxygenated fuels control period. Thus, oxygenate may be added to certified RFG in this limited situation. In such a case, the party who blends the oxygenate need not be a registered oxygenate blender, and need not meet any of the testing, record keeping, and reporting requirements that apply to oxygenate blenders under § 80.69. The RFG that results from blending oxygenate with certified RFG is required to meet all applicable standards, however, including the oxygen maximum (3.5 wt% oxygen in the case of non-VOC-controlled RFG), as well as the substantially similar requirements that apply to all gasoline.

Oxygenate that is added to RFG (and not to RBOB) under the limited situation described in § 80.78(a)(6) may not be included in the compliance calculations of either the oxygenate blender, or the refiner or importer who produced the RFG. The downstream oxygenate blending regulations, at § 80.69, are keyed to oxygenate blending with RBOB. Because of fungible mixing the RFG regulations do not contain mechanisms for tracking the refinery or importer where specific barrels of certified RFG are produced or imported, and as a result the oxygenate blended with RFG could not be applied to the compliance calculations of any specific refiner or importer.

RENEWABLE OXYGENATES PROGRAM

1. **Question:** Please confirm that ROXY compliance for a multi-refinery refiner is over his whole system and not on an individual refinery basis. While calculations of the refiner's renewable oxygenate requirement are built up by calculating RFG production at each of his refineries, compliance with the ROXY program is judged by whether his total system (including the use of credits) meets the sum of the ROXY requirements for all of his refineries. Is that correct?

Answer: The ROXY standard must be met by "any refiner for each refinery" and "by any importer." See section 80.83(b)(1). Therefore, the ROXY standard must be met separately for each refinery. However, a party who operates more than one refinery may transfer ROXY credits from the account of one refinery to the account of the other refinery, which in effect, allows a refiner to average across refineries.

2. **Question:** Is it correct that while oxygen credits under the RFG program can be generated by refiners, importers and oxygenate blenders, under the ROXY program ROXY credits can only be generated by refiners and importers?

Answer: ROXY credits may only be generated by refiners and importers.

3. **Question:** In generating credits, is it true that, provided the requirements of each program are met, a given batch of RFG could have generated both oxygen credits and ROXY credits?

Answer: The same batch of RFG blended with a renewable oxygenate may generate both oxygen and ROXY credits.

4. **Question:** RBOB-- the direct final rule amends section 80.65(d)(2)(vi):

(A) Any oxygenate;
(B) Ether only; or
(C) Other specified oxygenate type(s) and amount(s).

The renewable oxygenate requirement also amends section 80.65 (d)(2)(vi):

(A) Any oxygenate;
(B) Ether only;
(C) Any renewable oxygenate;
(D) Renewable ether only;
(E) Non-VOC controlled renewable ether only.

These are inconsistent. What about "(C) Other specified oxygenate type(s) and amount(s)"?

Answer: The designation "other specified oxygen type(s) and amount(s)" was deleted in error. EPA intends to publish a technical correction in the Federal Register which will correct this error.

5. **Question:** What is the effective date of extended non-comminging seasons?

Answer: Under § 80.83(i)(2), the "tentative effective date" for an extended non-commingling season (to be published as part of a Federal Register notice of proposed Agency action) would be the first date of the next complete non-commingling season beginning not less than one year after receipt of the petition. EPA will invite comment on this tentative effective date and will establish a final effective date when EPA publishes notice in the Federal Register of a final Agency action on the petition.

6. **Question:** Many companies have expressed serious doubts as to the commercial viability of the ROXY requirement to generate ROXY credits. Does EPA have any plans to create a mechanism to address these concerns in the near term?

Answer: EPA believes that the free market will result in the generation and availability of sufficient ROXY credits, and does not have any current plans to create mechanisms as described. However, EPA welcomes comments, concerns, and suggestions from industry related to ROXY and RFG in general and encourages open dialogue.

7. **Question:** If a refiner/importer generates ROXY credits during the winter months of the RFG program that they determine exceeds their needs for the year, may that company sell the credits as they are generated? If that company does sell the credits and their business changes such that their volumes increase significantly during the summer months can they purchase the required credits later in the same calendar year?

Answer: Under the RFG program, credits, including ROXY credits, may be sold or purchased during the course of the averaging period, so long as those transfers conform to the requirements of § 80.67(h). These include the requirement that, at the conclusion of the averaging period, the party's net credits meet the standard.

8. **Question:** Question 3 on page 15 of the August 29, 1994 RFG Question and Answer Document states that a company that is both a refiner and an importer may transfer ROXY credits from its importer activities to its refineries. May an importer that acts as a refiner (i.e. imports "GTAB" for further blending) also transfer ROXY credits to itself?

Answer: A company that is both an importer and a refiner may transfer RFG credits, including ROXY credits, from its refinery to its import activities, and visa versa, under the terms of §§ 80.67(h)(1)(i) through (iv). This ability to transfer credits is not changed by the "gasoline treated as blendstock" concept as discussed in the August 29, 1994 Question and Answer document.

9. **Question:** An importer sells RBOB suitable for oxygenate blending to a downstream oxygenate blender who subsequently blends the RBOB to produce RFG. Who owns the ROXY credit?

Answer: The importer generates the credit. Downstream oxygenate blenders do not generate or own renewable oxygenate credits.

10. **Question:** In the case of an importer who importers finished RFG that already meets the 15% or 30% renewable oxygenate content, must any portion of that renewable oxygenate be of U.S. origin?

Answer: No. However the type and renewable source of the imported renewable oxygenate must be documented, as required under § 80.83(a)(4)(ii)(B).

11. **Question:** May a company add ethanol to OPRG (with 2.0 weight % oxygen using MTBE) prior to or during the oxy fuels season to blend the OPRG up to the 2.7 weight % oxygen required to meet the OPRG requirements (and potentially earn ROXY credits)?

Answer: Under § 80.78(a), oxygenate, including ethanol, may be added to RFG only if the RFG is designated as OPRG, and the RFG must be used in an oxygenated gasoline program area during the oxygenated gasoline program control period. The addition of renewable oxygenate to RFG (in contrast to RBOB) would not result in the creation of ROXY credits, however.

12. **Question:** Can a refiner specified RBOB be certified with a range of allowable oxygenate blending? For example, a producer of RBOB (who has contractual oversight of an oxygenate blender) who supplies RBOB for blending with ethanol for a range of 2.0 weight % to 3.5 weight %.

Answer: Yes. However, credit may only be taken for the actual amount of oxygen blended.

13. **Question:** Will a terminal within an RFG area be permitted to blend with ethanol during the months of May through September?

Answer: Ethanol may be blended with RBOB at any time, provided the RBOB is designated to allow ethanol blending. In the case of RBOB that is VOC-controlled, the RBOB must have sufficiently low RVP to allow blending with ethanol. Also, ethanol based RFG that is VOC-controlled may not be combined with VOC-controlled RFG containing any other oxygenate during the high ozone season.

PRODUCT TRANSFER DOCUMENTATION

1. **Question:** Paragraph's 80.77 and 80.106 require that PTD's in the case of transferors and transferees who are refiners, importers or oxygenate blenders, list the EPA-assigned registration numbers of those persons transacting. Is the required number the Company or the Company-Facility registration number?

Answer: Under § 80.77(j), the company registration number would be appropriate to meet the PTD requirements.

2. **Question:** Where is it required in the regulations that the RFG must be designated as **summer or winter gasoline** on the PTD's? For conventional gasoline? This requirement is not found in either 80.77 or 80.106.

Answer: While there is no requirement to list if RFG is "Summer' or "Winter" gasoline in the PTD requirements for RFG, 80.77 does require that RFG or RBOB be identified as VOC-Controlled for VOC-Control region 1 or VOC-Controlled for VOC-Control region 2 or Not-VOC-Controlled in the product transfer documents. The appropriate minimum/maximum's are also required to be listed. There is no similar requirements for Conventional gasoline in 80.106.

3. **Question:** Does renewable oxygenate need a transfer document, and if so, what must be included?

Answer: Section 80.33(a)(4)(ii) requires that any person who produces renewable oxygenates, or who stores, transports, transfers, or sells such oxygenates must maintain documents which state the renewable source of the oxygenate and must supply to any transferee of the oxygenate documents which state the oxygenate is from a renewable source. Importers of renewable oxygenates are required to maintain documents obtained from the person who produced the oxygenate that states the nature of the feedstock for the oxygenate and a description of the manner in which the oxygenate meets the renewable definition.

ANTI-DUMPING REQUIREMENTS

1. **Question:** Can a refiner blend oxygenate into purchased conventional gasoline and use the oxygenate to meet its conventional gasoline requirements as long as the oxygenate is not being counted by the producer of the gasoline? Can this blending occur at a refiner owned terminal?

Answer: Section 80.101(d)(4) provides that any oxygenate that is added to conventional gasoline, or gasoline blending stock as described in § 80.101(d)(3), may be included in the refiner's compliance calculations, "where such gasoline or gasoline blending stock is produced or imported during the averaging period" (emphasis added). In the case of oxygenate that is added at a point downstream of the refinery or import facility, the oxygenate may be included "only if the refiner or importer can establish the oxygenate was in fact added to the gasoline or gasoline blendstock produced" (emphasis added). This provision applies to gasoline produced or imported by the refiner or importer who seeks to include the oxygenate in his compliance calculations. A refiner may not purchase conventional gasoline produced or imported by another person, blend it with oxygenate, and include the oxygenate in its compliance calculations.

2. **Question:** In the case of a refiner who violates the blendstock-to-gasoline ratio, and who is therefore required to include "all blendstocks" in its compliance calculations, does the term "all blendstocks" apply only to blendstocks that are used in the production of gasoline?

Answer: Section 80.102(e)(2) states that "[a]ny refiner or importer that exceeds the blendstock-to-gasoline ratio percentage change threshold shall, without further notification:

(i) Include all blendstocks produced or imported and transferred to others in its compliance calculations under § 80.101(g)...."

The term "blendstock" is defined at § 80.2(s) as "any liquid compound which is blended with other liquid compounds or with lead additives to produce gasoline." As a result, only products that are used in the production of gasoline meet the definition of blendstock, and products that are not used in the production of gasoline should not be included in the compliance calculations under § 80.102(e)(2). The criteria at § 80.102(c)(3) for defining the refinery products which are excluded from the definition of blendstock would be appropriate to identify those products that should be excluded from compliance calculations under § 80.102(e)(2). These criteria would exclude from compliance calculations those products the refiner is able to demonstrate are: exported; used for other than gasoline blending purposes; used as a refiner "feedstock;" or transferred between refineries that have been grouped under § 80.101(h).

PROHIBITIONS

1. **Question:** There are situations where ethanol will be present in very small quantities in RFG produced using other oxygenates. For example, ETBE often contains very small amounts of ethanol, less than 2%. As a result, will EPA apply a de minimis exception to the prohibition against mixing VOC-controlled RFG produced using ethanol with VOC-controlled RFG produced using any other oxygenate because of minimal oxygenate content?

Answer: Section 80.78(a)(8) prohibits the mixing of VOC-controlled RFG produced using ethanol with VOC-controlled RFG produced using any other oxygenate during the period January 1 through September 15. EPA will not consider this prohibition violated, however, in the case of RFG that was produced using an oxygenate other than ethanol, yet the RFG contains a volume of ethanol that is less than 0.4 vol%. If the RFG was produced using ethanol, EPA will not consider the prohibition violated if the volume of non-ethanol oxygenate is less than the volumes specified in § 80.65(e)(2)(i), i.e., 0.6 vol% in the case of MTBE, ETBE, TAME, or t-butanol, or 0.2 vol% in the case of methanol. These exceptions apply only if the offending oxygenate is present as a result of operational necessity, and specifically would not apply if the offending oxygenate was intentionally added. In addition, parties must meet the standards that apply to VOC controlled RFG without regard to these exceptions.

STATE OXY FUEL PROGRAMS

1. **Question:** If a state, under the oxygenated gasoline program, limits a supplier to no more than 2.7 weight % oxygen, does this also limit RFG and OPRG to no more than 2.7 weight %? We conclude the answer is "no" based upon the EPA Q&A Document, Section VIII, "Interaction

with State Programs," paragraph B, "Other State Fuels Porgrams," answer to question 2, which states that the Federal programs supersede state programs unless the state program is subsequently approved via the State Implementation Plan (SIP) process. We further conclude that we could use up to 3.5 weight % oxygen in OPRG and RFG to satisfy ROXY requirements. Do you agree?

Answer: Most state oxygenated gasoline programs required under section 211(m) of the Clean Air Act are, or will have been, approved through the SIP process by the time the RFG regulations come into effect. If the state has a SIP-approved oxygenated gasoline program that limits maximum oxygen content to 2.7 percent by weight, then, for the oxygenated gasoline control period, gasoline sold or dispensed within oxygenated gasoline program areas must not exceed 2.7 weight % oxygen. Regulated parties are urged to check with the state air pollution control agency or their local EPA regional air office for the exact SIP program requirements and for any restrictions on oxygen content.

TRANSITION ISSUES

Note: The following is a update for question IX-A-4 from the July 1, 1994 Question and Answer document, to add additional guidance to the portion of the answer dealing with storage tank change of service.

IX-A-4. **Question:** The RFG regulations prohibit the mixing of various types of gasoline. For example, RFG may not be mixed with conventional gasoline. What options are available to a party to change the service of a gasoline storage tank, given the fact that often it is very difficult to drain tanks completely dry? How may terminals change the service of manifolds and storage tank connecting pipes?

Answer: Section 80.78(a) requires the segregation of several categories of gasoline. These categories are:

RFG may not be mixed with conventional gasoline and sold as RFG.

RFG blendstock for oxygenate blending (RBOB) may not be mixed with RFG or conventional gasoline, and RBOB's that have different oxygen requirements must be segregated from each other.

During the period January 1 through September 15 each year VOC-controlled RFG that is produced using ethanol must be segregated from VOC-controlled RFG that is produced using any other oxygenate, including at the retail level.

Oxygenated fuels program RFG (OPRG) must be segregated from non-OPRG designated RFG.

Upstream of the retail or wholesale purchaser-consumer level, RFG produced under the simple model may not be mixed with RFG produced under the complex model.

Before January 1, 1998 each refinery's or importer's complex model RFG must be segregated from every other refinery's or importer's complex model RFG, unless the refineries or importers have identical baselines. This segregation requirement does apply at the retail level.

These segregation requirements preclude the mixing of any amount of the gasolines that must be segregated.[3] Thus, if the type of gasoline stored in a tank is changed (a change in the tank's service), and the old gasoline type and the new gasoline type must be segregated, the new gasoline may not be added unless the tank is completely free of any amount of the old gasoline type.

EPA recognizes that when many gasoline storage tanks are pumped as low as possible, a residual volume of gasoline remains in the tank (called the tank "heel"), and in the manifolds and tank lines that serve the tank (i.e., the terminal's internal product transfer piping), and that it is very difficult (but not impossible) to eliminate these residual volumes. As a result, and in order to facilitate the orderly conduct of business by regulated parties, in the limited situation related to changing the service of a gasoline storage tank, a party may operate as follows notwithstanding the segregation requirements:

First, the party must be changing the tank service for a legitimate operational business reason, i.e., not merely to blend the product in the tank heel or manifold with the new product.

Second, the party must draw down the gasoline volume in the tank as low as is physically possible through normal pumping operations before adding the new gasoline.

Third, the volume of old product from tank manifolds and tank lines that is added to the new product must be as small as possible through normal operations.

Fourth, the party must fill the tank as full as possible with the new gasoline, taking into account the volume of gasoline that is reasonably available. For example, if the storage tank having a service change is at a terminal supplied with gasoline by a pipeline, the tank should be filled with the maximum volume of gasoline available as a result of the pipeline tender received. For another example, if the storage tank having a service change is at a retail station, the tank should be filled with the largest volume of gasoline that normally is delivered to that tank using a single

---

[3] RFG may be mixed with conventional gasoline, so long as the mixture is classified in the product transfer documents as conventional gasoline and is used only outside any RFG covered area.

delivery truck. In any case where the following step involving sampling and testing is not satisfied as a result of these reasonably available volumes, however, additional gasoline volume must be added to the tank until the sampling and testing step is satisfied.

Fifth, the party must collect a representative sample from the filled tank, and analyze this sample for all the properties specified for RFG using the regulatory test methods. This analysis must show that the gasoline meets each downstream standard that applies to the new gasoline type.

Sixth, the party must retain documents that demonstrate these steps in the tank service change process.

In another scenario, a storage tank's service may be changed in a manner that involves conventional gasoline but not RFG. For example, a storage tank's or manifold's service could be changed from blendstock (e.g., natural gasoline, raffinate, naphtha) to conventional gasoline, which would result in mixing some volume of blendstock with conventional gasoline. In this type of situation, the party would not be required to meet the standards and requirements that apply to conventional gasoline refiners if the party meets steps one through four, and step six, discussed above. The fifth step, involving sampling and testing, is not necessary for conventional gasoline because there are no downstream standards that apply to conventional gasoline.

DOWNSTREAM BLENDING ISSUES

1. **Question:** Must a terminal be registered as a "refinery" in order to blend "transmix" in accordance with the August 29, 1994 Question and Answer Document?

Answer: In the answer to question IX-B-16 of the July 1, 1994 Question and Answer Document, as updated in the August 29, 1994 Question and Answer Document, EPA described procedures for pipelines to blend transmix into conventional gasoline and RFG under certain situations. A pipeline that blends transmix into either conventional gasoline or RFG using the procedures described in these answers will not be treated as a refiner, and therefore will not have to be registered as a refiner or to meet the requirements that apply to refiners. However, if the pipeline fails to comply with the procedures that are specified in the transmix blending answer, EPA will treat them as a refiner and require compliance with the registration and other applicable requirements.

2. **Question:** Can a transmix processor recover gasoline from transmix and call it conventional gasoline without meeting the requirements that apply to a conventional gasoline refiner, and mix the conventional gasoline with other conventional gasoline?

Answer: In the answer to question IX-B-16 of the July 1, 1994 Question and Answer Document, EPA described procedures for transmix processors to follow when producing conventional gasoline or RFG through the transmix processing. In the case of conventional gasoline produced through the transmix processing, and under the conditions specified in the July 1, 1994 Question and Answer Document, the processor need not meet the requirements that apply to conventional gasoline refiners, and the conventional gasoline produced may be fungibly mixed with other conventional gasoline. A transmix processor who produces conventional gasoline must, however, provide product transfer documents that identify the gasoline as conventional and that contain the statement required under § 80.106(a)(1)(vii), that "[t]his product does not meet the requirements for reformulated gasoline, and may not be used in any reformulated gasoline covered area."

3. **Question:** Will transmix processors be subject to the renewable oxygenate standard?

Answer: Transmix processors who produce RFG are considered to be refiners and will be subject to all RFG standards and requirements that apply to refiners, including the ROXY standard.

4. **Question:** Will transmix processors be allowed to "stack" ethanol and exceed the maximum allowable oxygenate content without regard to VOC requirements?

Answer: Transmix processors who produce RFG are considered to be refiners and are required to meet all RFG standards and requirements that apply to refiners for the RFG produced, including the standards for oxygen and the renewable oxygenate. To the extent the RFG produced by a transmix processor contains oxygenate that was part of the transmix when received by the processor, this oxygenate may be used by the processor to meet the oxygen standard. If the oxygenate is renewable (e.g., ethanol in the case of non-VOC-controlled RFG, or ETBE in the case of VOC-controlled RFG), the oxygenate may be included in the transmix processor's compliance calculations for renewable oxygenate. If the amount or type of oxygenate in the transmix is inadequate to meet the oxygen or renewable oxygenate standards, the transmix processor has several options for meeting these standards. If the gasoline contains less than the 1.5 wt% minimum oxygen standard, the transmix processor must add sufficient oxygenate to meet this per-gallon standard. If the 1.5 wt% per gallon minimum is met, but not the 2.0 wt% per gallon oxygen standard, the transmix processor may add additional oxygenate. If the RFG will not be designated as VOC-controlled, then the maximum oxygen content standard is 3.5 wt%. If the RFG is VOC controlled, the maximum oxygen content standard is 2.7 wt%. Under the substantially similar requirements different oxygenates may be combined up to 2.7 wt% oxygen, which would allow the processor to add ethanol to the gasoline even if the gasoline contains some other oxygenate. If the 1.5 wt% oxygen minimum is met and the transmix processor meets the oxygen standard on average, oxygen credits may be obtained to meet 2.1 wt% oxygen average standard. Renewable oxygenate credits also may be obtained to meet that standard. Lastly, the transmix processor could designate the gasoline produced as conventional

gasoline, in which case none of the RFG standards would apply. In all cases, the processor may not exceed the oxygen content maximum for RFG, and for VOC controlled RFG must meet the VOC requirements.

5. **Question:** In the case of parties who wish to blend butane into RFG or conventional gasoline, what options are available for meeting the testing requirements that apply to this activity?

Answer: The addition of blendstock, including butane, to RFG or conventional gasoline would constitute the production of gasoline, with the result that the blender would be considered a refiner under the RFG and anti-dumping regulations, and would be subject to all standards and requirements that apply to refiners. These requirements include meeting the standards applicable to RFG or conventional gasoline, and every-batch sampling. See the answers to Questions IX-B-5 and -7 in the July 1, 1994 Question and Answer Document. Under §§ 80.65(i) and 80.101(e)(1) the RFG or conventional gasoline with which the blendstock is blended must be excluded from the blender-refiner's compliance calculations. In effect, the RFG standards must be met based on the blendstock properties alone. Under § 80.101(i)(1)(i), refiners who produce conventional gasoline by combining blendstock with previously-certified conventional gasoline may determine compliance with the anti-dumping standards by sampling and testing the blendstock following each receipt of blendstock.

A party who blends butane into gasoline will be treated as complying with the refiner requirements without separately sampling and testing each batch of butane received, provided that:

1) The butane is blended with conventional gasoline only, and not with RFG.

2) If the butane is blended into gasoline that will be used during the period May 1 through September 15, the blender-refiner must sample and test the RVP of the gasoline subsequent to each occasion when butane is blended, and the results of this testing must be equal to or less than the applicable volatility standard, without the application of any enforcement tolerance.

3) The blender-refiner obtains specification documents from the supplier of the butane which include the purity of the butane.

a) The butane must be commercial grade, 95% pure butane, and must meet the contaminate levels listed in the following table, which must be reflected in the documents obtained from the butane supplier:

olefins . . . . . ≤ 1.0 vol%
aromatics . . . . . ≤ 2.0 vol%
benzene . . . . . ≤ 0.03 vol%
sulfur . . . . . ≤ 140 ppm

b) In the alternative, the butane must meet the contaminate levels listed in the following table, which must be reflected in the documents obtained from the butane supplier:

olefins . . . . . ≤ 10.0 vol%
aromatics . . . . . ≤ 2.0 vol%
benzene . . . . . ≤ 0.03 vol%
sulfur . . . . . ≤ 140 ppm

And the blender-refiner must conduct a quality assurance program of sampling and testing the butane obtained from each separate butane supplier to corroborate the supplier's specification documents. The frequency of butane sampling and testing must be one sample for every 65 truck loads of butane, or every 17 rail cars of butane, received from a butane supplier, or one sample every three months, whichever is more frequent. Analysis of the quality assurance samples must demonstrate the butane complies with the purity levels listed in the table under this item 3-b. In the conduct of the quality assurance program, the butane must be sampled according to ASTM D1265, the butane must be analyzed for aromatics, benzene, and olefin levels using ASTM D2163, and for sulfur content using ASTM D2784.

4) The butane supplier's specification documents must be based on sampling and testing of the supplier's stored butane that reflects the properties of the butane that was delivered to the blender-refiner.

5) The blender-refiner must retain copies of all butane supplier specification documents, and the results of all quality assurance sampling and testing, for a period of five years, and must make these documents available for EPA inspection on request.

6) The blender-refiner may use the purity levels specified in item 3, above, in order to include the butane used in the anti-dumping compliance calculations

under § 80.101(g), and may treat the butane received during each calendar month as a single, separate batch.

****Note: The following is an update for an answer to Question 16 in the Downstream Blending Section (Section IX-B) of the July 1, 1994 Question and Answer Document, and as updated in the August 29, 1994 Question and Answer Document. This update adds a discussion for interface mixtures that do not involve RFG.**

IX-B-16. Question: What options are available to pipelines for dealing with interface material, i.e., mixtures of two different types of product that result when the different products are adjacent during pipeline movement?

Answer: Interface Mixtures Involving RFG or RBOB

First, the pipeline must minimize the instances of prohibited mixing, through the sequencing together of product types that may be legally mixed, to the greatest extent possible.

Second, in those instances where illegal interface mixing occurs, the entire interface must be added to the product that will most ensure no adverse environmental consequences of the mixing. For example:

a. Interface mixtures of RFG or RBOB and conventional gasoline must be classified as conventional gasoline.

b. Interface mixtures of VOC-controlled RFG and non-VOC-controlled RFG must be classified as non-VOC-controlled RFG.[4]

c. Interface mixtures of VOC-controlled RFG for Region 1 and VOC-controlled RFG for Region 2 must be classified as VOC-controlled RFG for Region 2 or as non-VOC-controlled RFG.

[4] The mixing of VOC-controlled RFG with non-VOC-controlled RFG is not prohibited during the transition period prior to May 1 each year (prior to June 1 each year for retail outlets), and subsequent to September 15 each year. During the VOC transition period, however, mixtures of VOC-controlled RFG and non-VOC-controlled RFG nevertheless must be classified as non-VOC-controlled unless the resulting mixture meets the applicable VOC downstream standard (as discussed in the Transition section of this document), and during the VOC-control period such mixtures also must be classified as non-VOC-controlled RFG.

d. Interface mixtures of OPRG-designated RFG and non-OPRG-designated RFG must be classified as non-OPRG-designated RFG.

e. Interface mixtures of VOC-controlled, OPRG RFG and non-VOC-controlled, non-OPRG RFG must be classified as non-VOC-controlled, non-OPRG RFG.

f. Interface mixtures of RBOB and RFG must be classified as RBOB.

g. Interface mixtures of any-oxygenate RBOB and ether-only RBOB must be classified as ether-only RBOB.

h. Interface mixtures of generic RBOB (i.e., any-oxygenate or ether-only RBOB) and refiner-specific RBOB (under § 80.69(a)(1)) must be classified as refiner-specific RBOB.

Third, the pipeline must retain documents that reflect the nature of any illegal interface mixing and that the interface was classified in the proper manner, and must make these documents available to EPA upon request.

Interface Mixtures Involving Conventional Gasoline and Not Involving RFG

In the case of interface mixtures that do not involve RFG or RBOB, pipelines may follow their historical practices, and will not be treated as a refiner based on such interface mixtures,so long as:

First, the interface to be blended is generated through pipeline operations, i.e., the blending does not involve blendstocks that are present for the purpose of blending.

Second, the conventional gasoline involved meets all standards and requirements that apply to conventional gasoline, including the volatility standards and the substantially similar requirements;

Third, the volumes of interface are recorded and made available for EPA inspections.

For example, in the case of interface mixtures that involve conventional gasoline and blendstocks (natural gasoline, raffinate, naphtha, etc.), if a pipeline historically has used midpoint cuts for this type of interface the pipeline could continue this practice without meeting the "refiner" requirements as a result of any blendstock that would be mixed with conventional gasoline through this process. It would not be appropriate, however, to classify all blendstock-conventional gasoline interface mixtures as conventional gasoline, i.e., to "clean cut" the interface into the conventional gasoline, because this practice would result in a net increase in conventional gasoline volume.

Interface mixtures that include neither RFG nor conventional gasoline are not impacted by the RFG/anti-dumping regulations.

Transmix

EPA understands there are certain types of interface mixtures that cannot be easily added to either of the adjoining products that produced the interface. This primarily is the case of interface mixtures of gasoline and distillate, commonly called "transmix." EPA further understands that the current pipeline industry practice is to transport transmix via pipeline or barge to a facility designed to separate the gasoline and distillate portions. The owner or operator of such a facility is called a "transmix processor," and is a refiner under the RFG and anti-dumping programs.

Transmix Processors

First, the gasoline produced must be classified as conventional gasoline, and not RFG. If the gasoline produced is classified as RFG, the transmix processor must meet all refiner standards and requirements applicable to any other refiner of RFG.

Second, no additional blendstocks may be used. If blendstocks are used, in addition to the transmix, the transmix processor must meet the anti-dumping refinery standards and requirements for this blendstock in the same manner as any other blender-refiner. A transmix processor could, of course, blend gasoline produced through the process with other finished gasoline without invoking the anti-dumping requirements, e.g., premium grade gasoline could be blended to improve octane.

Third, the transmix used must be a mixture of distillate and gasoline - either RFG or conventional gasoline. If the transmix is a mixture of distillate and blendstock, the blendstock will never have been accounted-for, and the transmix processor must meet the anti-dumping refiner standards and requirements for any gasoline produced using this transmix.

This distinction between the treatment of a transmix processor who produces RFG versus conventional gasoline is appropriate because the gasoline produced by a transmix processor is not identical to the gasoline that went into the transmix. These changes in gasoline quality through transmix processing are simply less critical for conventional gasoline than for RFG. In addition, the gasoline portion of transmix often will be mixtures of conventional gasoline and RFG, which would be appropriate for the conventional classification, but inappropriate for the RFG classification.

Transmix Blending

EPA understands that in certain limited situations where transmix cannot be transported via pipeline to a transmix processor, current pipeline industry practice is to add the transmix to gasoline in very small quantities - 0.25 percent or less of the gasoline volume - and to test the resulting gasoline to ensure it remains on-spec.[5] This practice would be treated as illegal blending under the RFG and anti-dumping programs, unless the blender meets all applicable refiner standards and requirements.

In the case of transmix added to conventional gasoline:

First, the transmix must result from normal pipeline operations.

Second, the transmix must be present in a terminal from which there is no out-bound pipeline or water transportation by which the transmix could be transported to a transmix processor, or the pipeline's historical practice at the terminal (the practice beginning at least before January, 1994) has been to blend transmix into conventional gasoline without further processing.

Third, the transmix is blended at a rate no greater than the historical rate the pipeline can document was used by the pipeline, and pipeline documents the current rate of transmix blending.

In the case of transmix added to RFG:

First, the transmix must result from pipeline operational necessity.

Second, the transmix must be present in a terminal from which there is no out-bound pipeline or water transportation by which the transmix could be transported to a transmix processor.

Third, conventional gasoline must not be among the slate of products that arrive at the terminal (transmix must be blended with conventional gasoline if possible).

Fourth, the blending rate of transmix to RFG must be no greater than 0.25 percent by volume.

Fifth, the transmix must be blended with RFG in a batch mode, so that a sample may be collected of the entire batch.

---

[5] The transmix is added to gasoline instead of to distillate, because the consequences of any motor vehicle driveability problems resulting from distillate being mixed with gasoline are less serious than the consequences of explosions that could result from gasoline being mixed with distillate.

Sixth, the transmix-RFG blend must be sampled and tested, and the resulting blend must meet all applicable RFG downstream standards, before any of the blended gasoline leaves the terminal.

Seventh, the pipeline must retain documents that reflect the rate of transmix blending and the results of all testing on the transmix-RFG blend, and must make these documents available to EPA upon request.

As an alternative to blending the transmix in a batch mode with sampling and testing before any of the RFG blended with transmix leaves the terminal, the transmix may be blended with RFG in line provided that the pipeline carries out the following program to ensure the transmix will not cause any adverse environmental consequences.

First, the pipeline must conduct a program of laboratory testing, in which samples of transmix are mixed with RFG to determine the effects of the transmix on the RFG. In this program, the transmix samples must to the greatest extent possible represent the full range of the transmix types that are typically blended by the pipeline, and the RFG must to the greatest extent possible represent the full range of the types of RFG into which transmix will be blended by the pipeline. These different transmixes and gasolines must be blended at the maximum rate of transmix blending the pipeline intends to use, but a maximum of 0.25% transmix by volume.

Second, the RFG must be tested for each RFG parameter (RVP, oxygen, benzene, sulfur, olefins, aromatics, E200, and E300), and the RFG transmix blend must be tested for each of these parameters, using the testing methods specified at § 80.46.

Third, the results of all of the laboratory tests must show that the maximum change in properties of the RFG for any RFG-transmix blend is not more than the ranges specified at § 80.65(e)(2)(i).

Fourth, the pipeline must conduct RFG-transmix blending as described in steps 5 and 6 of the first RFG-transmix procedure, above, for a period of 30 days, and the results of the blending must show that the maximum change in properties of the RFG for any RFG-transmix blend is not more than the ranges specified at § 80.65(e)(2)(i).

Fifth, the pipeline must conduct monthly tests of the RFG-transmix blended, and the results of the blending must show that the maximum change in properties of the RFG for any RFG-transmix blend is not more than the ranges specified at § 80.65(e)(2)(i).

IMPORTER ISSUES

[Note: The following is an update for the answer to question 2 under Importer Issues from the August 29, 1994 Question and Answer Document.]

2. **Question**: What options are available to an importer who wishes to import product that meets the definition of gasoline, but who wishes to further process this gasoline to meet the standards for conventional gasoline or RFG after the gasoline arrives at the U.S. port of entry?

Answer: Under the RFG final rule an importer must include all imported product that meets the definition of gasoline in the importer's compliance calculations for either RFG or conventional gasoline. If this imported gasoline is then processed by blending with additional blendstock, the subsequent blending constitutes a refinery operation for which all refiner requirements must be met, including refinery standards, refiner sampling and testing, independent sampling and testing in the case of RFG, record keeping, reporting, and attest engagements. Further, the RFG or anti-dumping standards for such an operation must be met solely on the basis of the blendstocks used, and the previously imported (and previously accounted-for) gasoline may not be included. This is true regardless of whether the subsequent blending-refining is conducted by the original importer of the gasoline, or by another party.

A company that is an importer may exclude gasoline imported by that company from the company's importer compliance calculations, provided that the company uses the gasoline as a blendstock in a refinery operated by the company, and includes the gasoline-treated-as-blendstock (GTAB) in the company's refinery compliance calculations. This accounting of GTAB must occur as follows:

1) The GTAB must be included in the compliance calculations for gasoline produced at a refinery operated by the same company that is the importer, for which the company meets all refiner standards and requirements.

2) The importer-company may not transfer title to the GTAB to another party until the GTAB has been used to produce gasoline and all refinery standards and requirements have been met for the gasoline produced.

3) The refinery at which the GTAB is used to produce gasoline must be physically located at the same terminal at which the GTAB first arrives in the U.S. (the import facility), or at a facility to which the GTAB is directly transported from the import facility.

4) The GTAB must be completely segregated from any other gasoline, whether conventional or RFG, and including any gasoline tank bottoms, prior to the point of blending, and sampling and testing, in the company's refinery operation. The GTAB may, however, be placed into a storage tank that contains other GTAB imported by that importer.

5) The company must account for the properties and volume of gasoline produced using GTAB in a manner that excludes the volume and properties of any gasoline that previously has been included in any refiner's or importer's compliance calculations. Thus, if GTAB and blendstock are combined in

a storage tank that also contains a tank bottom of gasoline, the gasoline tank bottom may not be included in the company's refinery compliance calculations for that batch of gasoline. This exclusion of previously-accounted-for gasoline should be accomplished using the following approach.

a) Determine the volume and properties of any tank bottom that is gasoline before any gasoline production begins.

b) Add the GTAB plus any blendstock to the storage tank, and completely mix the tank.

c) Determine the volume and properties of the gasoline contained in the storage tank after blending is complete. Mathematically subtract the volume and properties of the tank bottom to determine the volume and properties of the GTAB plus blendstock added, which is reported to EPA as a batch of gasoline produced.

d) All sampling and testing, including the sampling and testing of tank bottoms, must be carried out using the independent sampling and testing provisions at § 80.65(f) if the gasoline being produced is RFG.

e) In the alternative, a company that has a "blending" tank that is used only to combine GTAB and blending components (and no gasoline is added to the tank), may account for the gasoline produced in such a blending tank by sampling and testing for the properties of the batch after GTAB and blendstock are added and mixed, and reporting the volume of gasoline shipped from that tank, at the analyzed properties, up to the point a new blend is produced by adding new GTAB and blendstock.

6) The GTAB must be evaluated for compliance using the baseline that applies to the company in its importer capacity, and not in its refiner capacity.

7) The company must meet all importer sampling and testing requirements that apply to imported gasoline for the GTAB.

8) The company must include the volume and properties of each batch of GTAB in the quarterly importer reports to EPA, but with a notation that the batch is not included in the importer compliance calculations because the product is GTAB. Any GTAB that ultimately is not used in the company's refinery operation (e.g., a tank bottom of GTAB at the conclusion of the refinery operation), must be treated as newly imported gasoline, for which

all required sampling and testing, and record keeping must be accomplished, and included in the company's importer compliance calculations for the averaging period when this sampling and testing occurs.

9) The company must retain records that reflect the importation, sampling and testing, and physical movement of any GTAB, and must make these records available to the CPA or CIA attester, or to EPA, on request.

10) The company must require the CPA or CIA who conducts the company's annual attest engagement, pursuant to § 80.65(h) and §§ 80.125 through 130, to specifically review the accounting for each batch of GTAB, to attest that all GTAB was included in the company's refinery compliance calculations in accordance with the procedures specified in this Answer, and to include the details of this review in the attest report.