



EPA420-F-95-016
January 17, 1995

**RFG/Anti-Dumping
Questions and Answers
January 17, 1995**

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

RFG/ANTI-DUMPING QUESTIONS AND ANSWERS, JANUARY 17, 1995

The following are responses to most of the questions received by the Environmental Protection Agency (EPA) through January 3, 1995, 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 January 3, 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

RFG General Requirements
Product Transfer Documentation

RFG GENERAL REQUIREMENTS

[NOTE: The following question and answer replaces Question 22, VI.A., of the July 1, 1994 Question and Answer document and the update to this question posted on December 5, 1994.]

VI.A.22. Question: Are any categories of gasoline users in the RFG covered areas exempt from the requirement to use RFG instead of conventional gasoline?

Answer: Section 211(k)(5) of the Clean Air Act describes the scope of the requirement to use RFG in the RFG covered areas:

(5) PROHIBITION. -- Effective beginning January 1, 1995, each of the following shall be a violation of this section:

(A) The sale or dispensing by any person of conventional gasoline to ultimate consumers in any covered area.

....

This statutory prohibition on the sale or dispensing of conventional gasoline in RFG covered areas is not restricted to gasoline used to fuel motor vehicles, but rather applies to all gasoline sold or dispensed within an RFG covered area to any consumer, regardless of the use. The prohibition, therefore, would include gasoline sold or dispensed for use in motor vehicles, boats, construction equipment, recreational vehicles, lawn and garden equipment, etc.

As a matter of enforcement discretion, however, EPA will not enforce the requirement to sell or dispense RFG in the case of two categories of gasoline: aviation gasoline sold or dispensed for use in aircraft, including gasoline that has properties identical to motor vehicle gasoline that is sold or dispensed solely for use in aircraft; and racing gasoline sold or dispensed for use in racing vehicles during a sanctioned racing event. These exceptions would not apply if the aviation gasoline or racing gasoline is used other than in an aircraft, or in a racing vehicle in conjunction with a sanctioned racing event.

In the case of both aviation gasoline and racing gasoline, the gasoline must be clearly designated as such, and any person selling or dispensing these categories of gasoline must take appropriate steps to ensure the gasoline is used only in the limited circumstances described. In addition, EPA has strict guidelines as to what constitutes a racing vehicle, and the exception for racing gasoline applies only for gasoline used in such a vehicle. For further information on what constitutes a racing vehicle, contact EPA's Manufacturers Operations Division at (202) 233-9250.

The rationale for the exception for aviation gasoline used to fuel aircraft is based on safety considerations. Aviation gasoline must satisfy performance criteria that are relevant to the

safe operation of aircraft, and this safety consideration outweighs the limited adverse environmental effect of conventional gasoline used in this manner. In addition, aircraft emissions normally would not be confined to the covered area where the aircraft is fueled, and could occur in significant part outside any RFG covered area. The rationale for the exception for racing gasoline is based on the special performance requirements for true race vehicles and the limited volumes of gasoline involved.

PRODUCT TRANSFER DOCUMENTATION

[NOTE: The following is a revision of Question 2 of the Product Transfer Documentation section of the November 21, 1994 Question and Answer Document.]

2. **Question:** We expect RFG geographic areas to develop in which base gasoline designated as "OPRG" with at least 2.0% oxygen but less than 2.7% oxygen will be sold. Will the product transfer documentation requirements covering such a product be met if the PTD shows the oxygen standards as 2.0% minimum and 2.7% maximum and also contains a message that although the product is designated as OPRG, it does not fulfill the requirements for resale or use in an oxygenated control area during a control period without the addition of oxygenates(s)?

Answer: The RFG regulations require the transferor to include in the PTDs the federal minimum and maximum standards with which the gasoline conforms, including oxygen content (i.e., 1.5 wt% minimum and 2.7 wt% or 3.5 wt% maximum). As a separate requirement, the RFG regulations require the PTDs to state that the product is OPRG or is not OPRG. In the case of OPRG, the state standards may be different from the federal min/max standards for oxygen. EPA would consider it acceptable to include in the PTDs the state min/max standards for oxygen in lieu of the federal min/max standards where the state standards are more stringent than the federal standards.

[NOTE: The following is a revision of Question 1 of the Product Transfer Documentation section of the January 9, 1995 Question and Answer document.]

1. **Question:** We would like to preprint as much of the PTD information as possible on our bill of lading for gasoline sales at our terminals. We would like to print a statement such as the following on all tickets: "Maximum RVP of 8.3 psi if gasoline is designated as VOC controlled for Region 2." This would enable us to have the same bill of lading for both the summer and winter period even though this statement would have no effect for gasoline that is not designated as VOC controlled. Is this language acceptable?

Answer: A statement such as the one in the question would be acceptable assuming that the product is also identified as being VOC controlled or not VOC controlled in accordance with § 80.77(g)(1)(i).

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