

§ 80.500

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120 ppm, compute and report as a finding the number and type of sulfur allotments generated in accordance with the applicable provisions under § 80.275(b).

(ii) For 2005, if the corporate pool average is less than 90 ppm, compute and report as a finding the number and type of sulfur allotments generated in accordance with the applicable provisions under § 80.275(b).

(iii) If the refiner or importer produced and imported 50% or more of its gasoline for GPA use in 2004 or 2005, no allotments can be generated in that year.

(3) *Allotment purchases and sales.* (i) Obtain contracts or other documents for all allotments transferred to another company during the year being reviewed; compute and report as a finding the number of allotments represented in these documents as being transferred away; and agree with the report to EPA.

(ii) Obtain contracts or other documents for all allotments received during the year being reviewed; compute and report as a finding the number of allotments represented in these documents as being received; and agree with the report to EPA.

(4) *Allotments required.* (i) For 2004, if the corporate pool average is greater than 120 ppm, compute and report as a finding the number of allotments required by multiplying the amount the corporate pool average is above 120 ppm times the corporate pool volume, and agree with the report to EPA.

(ii) For 2005, if the corporate pool average is greater than 90 ppm, compute and report as a finding the number of allotments required by multiplying the amount the corporate pool average is above 90 ppm times the corporate pool volume, and agree with the report to EPA.

(iii) Obtain the number of allotments used to meet standards for GPA gasoline determined in paragraph (g) of this section.

(5) *Allotment reconciliation.* (i) Compute and report as a finding the net allotments remaining at the conclusion of the year being reviewed by totaling allotments:

(A) Generated under paragraphs (i)(4) and (k)(2) of this section; plus

(B) Purchased under paragraph (k)(3) of this section; minus

(C) Sold under paragraph (k)(3) of this section; minus

(D) Used under paragraph (k)(4) of this section for demonstrating compliance with the corporate pool average.

(ii) Report as a finding any allotments generated in 2003 or 2004 that are used to meet the corporate pool standards in 2005 that were not reduced to 50% of their original value.

(iii) If the company's net allotments remaining are less than zero, report this fact as a finding.

[65 FR 6823, Feb. 10, 2000, as amended at 67 FR 40185, June 12, 2002; 71 FR 54912, Sept. 20, 2006]

Subpart I—Motor Vehicle Diesel Fuel; Nonroad, Locomotive, and Marine Diesel Fuel; and ECA Marine Fuel

SOURCE: 66 FR 5136, Jan. 18, 2001, unless otherwise noted.

GENERAL INFORMATION

§ 80.500 What are the implementation dates for the motor vehicle diesel fuel sulfur control program?

The implementation dates for standards for motor vehicle diesel fuel and diesel fuel additives, and for other provisions of this subpart, are as follows:

(a) *Implementation date for standards applicable to production or importation of motor vehicle diesel fuel, and to motor vehicle diesel fuel additives.* Except as provided in paragraph (d) of this section, beginning June 1, 2006:

(1) The standards and requirements under § 80.520(a) and (b) shall apply to any motor vehicle diesel fuel produced or imported by any refiner or importer; and

(2) The standards and requirements under § 80.521 shall apply to any motor vehicle diesel fuel additive.

(b) *Implementation date for standards applicable to motor vehicle diesel fuel downstream of the refinery or importer.* Except as provided in paragraphs (c) and (d) of this section, beginning September 1, 2006, the standards and requirements under § 80.520(a) shall apply to any motor vehicle diesel fuel at any downstream location.

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(c) *Implementation date for standards applicable to motor vehicle diesel fuel at retail outlets and wholesale purchaser-consumer facilities.* Except as provided in paragraph (d) of this section, beginning October 15, 2006, the standards and requirements under §80.520(a) shall apply to any motor vehicle diesel fuel at any retail outlet or wholesale purchaser-consumer facility.

(d) *Implementation date for motor vehicle diesel fuel subject to the 500 ppm sulfur content standard in §80.520(c).* (1) Beginning June 1, 2006, the sulfur content standard of §80.520(c) shall apply to motor vehicle diesel fuel, but only where authorized under, and subject to, an applicable provision of this Subpart.

(2) Beginning June 1, 2010, the sulfur content standard of §80.520(c) shall no longer apply to any motor vehicle diesel fuel produced or imported by any refiner or importer.

(3) Beginning October 1, 2010, the sulfur content standard of §80.520(c) shall no longer apply to any motor vehicle diesel fuel at any downstream location other than a retail or wholesale purchaser-consumer facility.

(4) Beginning December 1, 2010, the sulfur content standard of §80.520(c) shall no longer apply to any motor vehicle diesel fuel.

(e) *Other provisions.* All other provisions of this subpart apply beginning June 1, 2006, unless another date is specified.

[66 FR 5136, Jan. 18, 2001, as amended at 69 FR 39168, June 29, 2004; 70 FR 70509, Nov. 22, 2005]

§ 80.501 What fuel is subject to the provisions of this subpart?

(a) *Included fuel and additives.* The provisions of this subpart apply to the following fuels and additives except as specified in paragraph (b) of this section:

- (1) Motor vehicle diesel fuel.
- (2) Nonroad, locomotive, or marine diesel fuel.
- (3) Diesel fuel additives.
- (4) Heating oil.
- (5) ECA marine fuel.
- (6) Other distillate fuels.
- (7) Motor oil that is used as or intended for use as fuel in diesel motor vehicles or nonroad diesel engines or is blended with diesel fuel for use in die-

sel motor vehicles or nonroad diesel engines, including locomotive and marine diesel engines, at any downstream location.

(b) *Excluded fuel.* The provisions of this subpart do not apply to distillate fuel that is designated for export outside the United States in accordance with §80.598, identified for export by a transfer document as required under §80.590, and that is exported.

[69 FR 39168, June 29, 2004, as amended at 75 FR 22968, Apr. 30, 2010]

§ 80.502 What definitions apply for purposes of this subpart?

The definitions of §80.2 and the following additional definitions apply to this subpart I:

(a) *Entity* means any refiner, importer, distributor, retailer or wholesale-purchaser consumer of any distillate fuel (or other product subject to the requirements of this subpart I).

(b) *Facility* means any place, or series of places, where an entity produces, imports, or maintains custody of any distillate fuel (or other product subject to the requirements of this subpart I) from the time it is received to the time custody is transferred to another entity, except as described in paragraphs (b)(1) through (4) of this section:

(1) Where an entity maintains custody of a batch of diesel fuel (or other product subject to the requirements of this subpart I) from one place in the distribution system to another place (*e.g.*, from a pipeline to a terminal), all owned by the same entity, both places combined are considered to be one single aggregated facility, except where an entity chooses to treat components of such an aggregated facility as separate facilities. The choice made to treat these places as separate facilities may not be changed by the entity during any applicable compliance period. Except as specified in paragraph (b)(2) of this section, where compliance requirements depend upon facility-type, the entire facility must comply with the requirements that apply to its components as follows:

(i) If an aggregated facility includes a refinery, the entire facility must comply with the requirements applicable to refineries.