

**§ 80.825**

(b) Gasoline that is exported for sale outside the U.S.

(c) Gasoline designated as California gasoline under § 80.845, and used in California.

(d) Gasoline used in American Samoa, Guam and the Commonwealth of the Northern Mariana Islands.

(e) Gasoline exempt per § 80.995.

(f) Gasoline exempt per § 80.1000.

**§ 80.825 How is the refinery or importer annual average toxics value determined?**

(a) The refinery or importer annual average toxics value is calculated as follows:

$$T_a = \frac{\sum_{i=1}^n (V_i \times T_i)}{\sum_{i=1}^n V_i}$$

Where:

T<sub>a</sub> = The refinery or importer annual average toxics value, as applicable.

V<sub>i</sub> = The volume of applicable gasoline produced or imported in batch i.

T<sub>i</sub> = The toxics value of batch i.

n = The number of batches of gasoline produced or imported during the averaging period.

i = Individual batch of gasoline produced or imported during the averaging period.

(b) The calculation specified in paragraph (a) of this section shall be made separately for each type of gasoline specified at § 80.815(b).

(c) The toxics value, T<sub>i</sub>, of each batch of gasoline is determined using the Phase II Complex Model specified at § 80.45.

(1) The toxics value, T<sub>i</sub>, of each batch of reformulated gasoline or RBOB, and the annual average toxics value, T<sub>a</sub>, for reformulated gasoline and RBOB, combined, under this subpart are in percent reduction from the statutory baseline described in § 80.45(b) and volumes are in gallons.

(2) (i) The toxics value, T<sub>i</sub>, of each batch of conventional gasoline, and the annual average toxics value, T<sub>a</sub>, for conventional gasoline under this subpart are in milligrams per mile (mg/mile) and volumes are in gallons.

(ii) Any refiner for any refinery or importer that has received EPA ap-

proval of a petition submitted in accordance with the provisions of § 80.93(d) shall determine the toxics value, T<sub>i</sub>, of each batch of conventional gasoline produced or imported for use in Alaska, and/or Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands in accordance with § 80.101(g)(1)(ii).

(d) All refinery or importer annual average toxics value calculations shall be conducted to two decimal places.

(e) A refiner or importer may include oxygenate added downstream from the refinery or import facility when calculating the toxics value, provided the following requirements are met:

(1) For oxygenate added to conventional gasoline, the refiner or importer shall comply with the requirements of § 80.101(d)(4)(ii).

(2) For oxygenate added to RBOB, the refiner or importer shall comply with the requirements of § 80.69(a).

(f) *Gasoline excluded.* Refiners and importers shall exclude from compliance calculations all of the following:

(1) Gasoline that was not produced at the refinery;

(2) In the case of an importer, gasoline that was imported as Certified Toxics-FRGAS under § 80.1030;

(3) Blending stocks transferred to others;

(4) Gasoline that has been included in the compliance calculations for another refinery or importer; and

(5) Gasoline exempted from standards under § 80.820.

[66 FR 17263, Mar. 29, 2001, as amended at 72 FR 60581, Oct. 25, 2007]

**§ 80.830 What requirements apply to oxygenate blenders?**

Oxygenate blenders who blend oxygenate into gasoline downstream of the refinery that produced the gasoline or the import facility where the gasoline was imported are not subject to the requirements of this subpart applicable to refiners for this gasoline.

**§ 80.835 What requirements apply to butane blenders?**

Butane blenders who blend butane into gasoline downstream of the refinery that produced the gasoline or the import facility where the gasoline was

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imported are not subject to the requirements of this subpart applicable to refiners for this gasoline.

**§ 80.840 What requirements apply to transmix processors?**

Any transmix processor who produces gasoline or gasoline blendstock from transmix, or recovers gasoline or gasoline blendstock from transmix through transmix processing under § 80.84 (c) shall include such gasoline or gasoline blendstock in the baseline and compliance calculations of this subpart to the same extent such gasoline or gasoline blendstock must be included in compliance calculations under subpart D of this part for reformulated gasoline and RBOB, and under subpart E of this part for conventional gasoline, according to the requirements specified in § 80.84(c).

[71 FR 31964, June 2, 2006]

**§ 80.845 What requirements apply to California gasoline?**

(a) *Definition.* For purposes of this subpart “California gasoline” means any gasoline designated by the refiner or importer as for use in California.

(b) *California gasoline exemption.* California gasoline that complies with all the requirements of this section is exempt from all other provisions of this subpart.

(c) *Requirements for California gasoline.* (1) Each batch of California gasoline shall be designated as such by its refiner or importer.

(2) [Reserved]

(3) Designated California gasoline must ultimately be used in the State of California and not used elsewhere.

(4) In the case of California gasoline produced outside the State of California, the transferors and transferees shall meet the product transfer document requirements under § 80.81(g).

(5) Gasoline that is ultimately used in any part of the United States out-

side of the State of California shall comply with the standards and requirements of this subpart, regardless of any designation as California gasoline.

**§ 80.850 How is the compliance baseline determined?**

(a) The compliance baseline to which annual average toxics values are compared according to § 80.815(a) is calculated according to the following equation:

$$T_{CBase} = \frac{T_{Base} \times V_{Base} + T_{Exist} \times V_{inc}}{V_{Base} + V_{inc}}$$

Where:

- T<sub>CBase</sub> = Compliance baseline toxics value.
- T<sub>Base</sub> = Baseline toxics value for the refinery or importer, calculated according to § 80.915(b)(1).
- V<sub>Base</sub> = Baseline volume for the refinery or importer, calculated according to § 80.915(b)(2).
- T<sub>Exist</sub> = Existing toxics standard, per paragraph (b) of this section.
- V<sub>inc</sub> = Volume of gasoline produced during the averaging period in excess of V<sub>Base</sub>.

(b) The value of existing toxics standard, T<sub>Exist</sub>, is equal to:

- (1) 21.5 percent, for reformulated gasoline and RBOB, combined;
- (2) The refinery’s or importer’s anti-dumping compliance baseline value for exhaust toxics, in mg/mi, per § 80.101(f), for conventional gasoline.

(c) Any refiner for any refinery or importer with an approved anti-dumping baseline under § 80.93(d) for gasoline produced or imported for use in Alaska, and/or Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, and for which a conventional gasoline baseline toxics value for such gasoline can be determined according to § 80.915(b)(1), shall determine its compliance baseline applicable to such gasoline according to the following equation:

$$T_{CBase} = \frac{T_{Base} \times V_{Base} + T_{Exist} \times V_{inc} + T_{SBase} \times V_{SBase} + T_{SExist} \times V_{Sinc} + T_{WBase} \times V_{WBase} + T_{WExist} \times V_{Winc}}{V_{Base} + V_{inc} + V_{SBase} + V_{Sinc} + V_{WBase} + V_{Winc}}$$

Where:

T<sub>CBase</sub> = Compliance baseline toxics value.

T<sub>Base</sub> = Baseline toxics value for the refinery or importer, calculated according to