

Environmental Protection Agency

§ 80.850

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

(b) The value of existing toxics standard, T_{Exist}, 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_{CBase} = Compliance baseline toxics value.

T_{Base} = Baseline toxics value for the refinery or importer, calculated according to