

Environmental Protection Agency

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which merits modification of the requirements of an exemption. If EPA finds that a transmix blender provided false or inaccurate information in any submission required for an exemption under this section, upon notification from EPA, the transmix blender's exemption will be void ab initio.

(4) In the event the test results for any sample collected pursuant to a quality assurance program indicate the gasoline does not comply with any of the applicable standards in paragraph (d)(1) of this section, the transmix blender shall:

(i) Immediately take steps to stop the sale of the gasoline that was sampled;

(ii) Take steps which are reasonably calculated to determine the cause of the noncompliance and to prevent future instances of noncompliance;

(iii) Inform EPA of the noncompliance; and

(iv) If the transmix was blended by a computer controlled in-line blending system, increase the rate of sampling and testing to a rate of not less than once per week and continue the increased frequency of sampling and testing until the results of ten consecutive samples and tests indicate the gasoline complies with applicable standards, at which time the sampling and testing may be conducted at the original frequency;

(5) Any transmix blender who blends transmix into previously certified gasoline and who does not meet the requirements under this paragraph (d) shall meet all requirements and standards that apply to a refiner under subparts D and E of this part, other than this section and §§ 80.74(b)(10), and 80.104(b).

(e) The provisions of paragraphs (c) and (d) of this section also apply to mixtures of gasoline and distillate fuel:

(1) Produced by unintentionally combining gasoline and distillate fuel in a tank.

(2) Produced from normal business operations at terminals or pipelines, such as gasoline or distillate fuel drained from a tank, or drained from piping or hoses used to transfer gasoline or distillate fuel to tanks or trucks, or gasoline or distillate fuel discharged from a safety relief valve.

(f) Any transmix processor or transmix blender who adds a feedstock to their transmix other than gasoline, distillate fuel or gasoline blendstocks from pipeline interface must meet all requirements and standards that apply to a refiner under subparts D and E of this part, other than this section and §§ 80.74(b)(10), and 80.104(b), for all gasoline they produce during a compliance period.

[71 FR 31961, June 2, 2006]

§§ 80.85–80.89 [Reserved]

Subpart E—Anti-Dumping

SOURCE: 59 FR 7860, Feb. 16, 1994, unless otherwise noted.

§ 80.90 Conventional gasoline baseline emissions determination.

(a) *Annual average baseline values.* For any facility of a refiner or importer of conventional gasoline, the annual average baseline values of the facility's exhaust benzene emissions, exhaust toxics emissions, NO_x emissions, sulfur, olefins and T90 shall be determined using the following equation:

$$\text{BASELINE} = \frac{\text{SUMRBASE} \times \text{SUMRVOL} + \text{WNTRBASE} \times \text{WNTRVOL}}{\text{SUMRVOL} + \text{WNTRVOL}}$$

where

BASELINE = annual average baseline value of the facility,

SUMRBASE = summer baseline value of the facility,

SUMRVOL = summer baseline gasoline volume of the facility, per § 80.91,

WNTRBASE = winter baseline value of the facility,

WNTRVOL = winter baseline gasoline volume of the facility, per § 80.91.

(b) *Baseline exhaust benzene emissions—simple model.* (1) Simple model

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exhaust benzene emissions of conventional gasoline shall be determined using the following equation:

$$\text{EXHBEN} = (1.884 + 0.949 \times \text{BZ} + 0.113 \times (\text{AR} - \text{BZ}))$$

where

EXHBEN = exhaust benzene emissions,
BZ = fuel benzene value in terms of volume percent (per § 80.91), and
AR = fuel aromatics value in terms of volume percent (per § 80.91).

(2) The simple model annual average baseline exhaust benzene emissions for any facility of a refiner or importer of conventional gasoline shall be determined as follows:

(i) The simple model baseline exhaust benzene emissions shall be determined separately for summer and winter using the facility's oxygenated individual baseline fuel parameter values for summer and winter (per § 80.91), respectively, in the equation specified in paragraph (b)(1) of this section.

(ii) The simple model annual average baseline exhaust benzene emissions of the facility shall be determined using the emissions values determined in paragraph (b)(2)(i) of this section in the equation specified in paragraph (a) of this section.

(c) *Baseline exhaust benzene emissions—complex model.* The complex model annual average baseline exhaust benzene emissions for any facility of a refiner or importer of conventional gasoline shall be determined as follows:

(1) The summer and winter complex model baseline exhaust benzene emissions shall be determined separately using the facility's oxygenated individual baseline fuel parameter values for summer and winter (per § 80.91), respectively, in the appropriate complex model for exhaust benzene emissions described in § 80.45.

(2) The complex model annual average baseline exhaust benzene emissions of the facility shall be determined using the emissions values determined in paragraph (c)(1) of this section in the equation specified in paragraph (a) of this section.

(d) *Baseline exhaust toxics emissions.* The annual average baseline exhaust toxics emissions for any facility of a refiner or importer of conventional gasoline shall be determined as follows:

(1) The summer and winter baseline exhaust emissions of benzene, formaldehyde, acetaldehyde, 1,3-butadiene, and polycyclic organic matter shall be determined using the oxygenated individual baseline fuel parameter values for summer and winter (per § 80.91), respectively, in the appropriate complex model for each exhaust toxic (per § 80.45).

(2) The summer and winter baseline total exhaust toxics emissions shall be determined separately by summing the summer and winter baseline exhaust emissions of each toxic (per paragraph (d)(1) of this section), respectively.

(3) The annual average baseline exhaust toxics emissions of the facility shall be determined using the emissions values determined in paragraph (d)(2) of this section in the equation specified in paragraph (a) of this section.

(e) *Baseline NO_x emissions.* The annual average baseline NO_x emissions for any facility of a refiner or importer of conventional gasoline shall be determined as follows:

(1) The summer and winter baseline NO_x emissions shall be determined using the baseline individual baseline fuel parameter values for summer and winter (per § 80.91), respectively, in the appropriate complex model for NO_x (per § 80.45).

(2) The annual average baseline NO_x emissions of the facility shall be determined using the emissions values determined in paragraph (e)(1) of this section in the equation specified in paragraph (a) of this section.

(3) The requirements specified in paragraphs (e) (1) and (2) of this section shall be determined separately using the oxygenated and nonoxygenated individual baseline fuel parameters, per § 80.91.

(f) *Applicability of Phase I and Phase II models.* The requirements of paragraphs (d) and (e) of this section shall be determined separately for the applicable Phase I and Phase II complex models specified in § 80.45.

(g) *Calculation accuracy.* Emissions values calculated per the requirements of this section shall be determined to four (4) significant figures. Sulfur, olefin and T90 values calculated per the requirements of this section shall be

determined to the same number of decimal places as the corresponding value listed in § 80.91(c)(5).

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36965, July 20, 1994]

§ 80.91 Individual baseline determination.

(a) *Baseline definition.* (1) The “baseline” or “individual baseline” of a refinery, refiner or importer, as applicable, shall consist of:

(i) An estimate of the quality, composition and volume of its 1990 gasoline, or allowable substitute, based on the requirements specified in §§ 80.91 through 80.93; and

(ii) Its baseline emissions values calculated per paragraph (f) of this section.

(2)(i) The quality and composition of the 1990 gasoline of a refinery, refiner or importer, as applicable, shall be the set of values of the following fuel parameters: benzene content; aromatic content; olefin content; sulfur content; distillation temperature at 50 and 90 percent by volume evaporated; percent evaporated at 200 °F and 300 °F; oxygen content; RVP.

(ii) A refiner, per paragraph (b)(3)(i) of this section, shall also determine the API gravity of its 1990 gasoline.

(3) The methodology outlined in this section shall be followed in determining a baseline value for each fuel parameter listed in paragraph (a)(2) of this section.

(b) *Requirements for refiners, blenders and importers—*(1) *Requirements for producers of gasoline and gasoline blendstocks.* (i) A refinery engaged in the production of gasoline blendstocks from crude oil and/or crude oil derivatives, and the subsequent mixing of those blendstocks to form gasoline, shall have its baseline fuel parameter values determined from Method 1, 2 and/or 3-type data as described in paragraph (c) of this section, provided the refinery was in operation for at least 6 months in 1990.

(ii) A refinery which was in operation for at least 6 months in 1990, was shut down after 1990, and which restarts after June 15, 1994, and for which insufficient 1990 and post-1990 data was collected prior to January 1, 1995 from which to determine an individual base-

line, shall have the values listed in paragraph (c)(5) of this section as its individual baseline parameters.

(iii) A refinery which was in operation for less than 6 months in 1990 shall have the values listed in paragraph (c)(5) of this section as its individual baseline parameters.

(2) *Requirements for producers or importers of gasoline blendstocks only.* A refiner or importer of gasoline blendstocks which did not produce or import gasoline in 1990 and which produces or imports post-1994 gasoline shall have the values listed in paragraph (c)(5) of this section as its individual baseline parameters.

(3) *Requirements for purchasers of gasoline and/or gasoline blendstocks.* (i) A refiner or refinery, as applicable, solely engaged in the production of gasoline from gasoline blendstocks and/or gasoline which are simply purchased and blended to form gasoline shall have its individual baseline determined using Method 1-type data (per paragraph (c) of this section) from every batch of 1990 gasoline.

(ii) If Method 1-type data on every batch of the refiner's or refinery's 1990 gasoline does not exist, that refiner or refinery shall have the values listed in paragraph (c)(5) of this section as its individual baseline parameters.

(4) *Requirements for importers of gasoline and/or gasoline blendstocks.* (i) An importer of gasoline shall determine an individual baseline value for each fuel parameter listed in paragraph (a)(2) of this section using Method 1-type data on every batch of gasoline imported by that importer into the United States in 1990.

(ii) An importer which is also a foreign refiner must determine its individual baseline using Method 1, 2 and/or 3-type data (per paragraph (c) of this section) if it imported at least 75 percent, by volume, of the gasoline produced at its foreign refinery in 1990 into the United States in 1990.

(iii) An importer which cannot meet the criteria of paragraphs (b)(4)(i) or (ii) of this section for baseline determination shall have the parameter values listed in paragraph (c)(5) of this section as its individual baseline parameter values.