Environmental Protection Agency

§ 80.171 Product transfer documents (PTDs).

(a) Contents. For each occasion when any gasoline refiner, importer, reseller, distributor, carrier, retailer, wholesale purchaser-consumer, oxygenate blender, detergent manufacturer, distributor, carrier, or blender, transfers custody or title to any gasoline, detergent, or detergent-additized PRC other than when detergent-additized gasoline is sold or dispensed at a retail outlet or wholesale purchaser-consumer facility to the ultimate consumer, the transferor shall provide to the transferee, and the transferee shall acquire from the transferor, documents which accurately include the following information:

(1) The name and address of the transferee and transferor; the address requirement may be fulfilled, in the alternative, through separate documentation which establishes said addresses and is maintained by the parties and made available to EPA for the same length of time as required for the PTDs, provided that the normal business procedure of these parties is not to identify addresses on PTDs.

(2) The date of the transfer.

(3) The volume of product transferred.

(4)(i) The identity of the product being transferred (i.e., its identity as base gasoline, detergent-additized gasoline, or specified detergent-additized oxygenate or detergent-additized gasoline blending stock that comprises a detergent-additized PRC). PTDs for detergent-additized gasoline or PRC are not required to identify the particular detergent used to additize the product.

(ii) If the product being transferred consists of two or more different types of product subject to this regulation, i.e., base gasoline, detergent-additized gasoline, or specified detergent-additized PRC, component, then the PTD for the commingled product must identify each such type of component contained in the commingled product.

(5) If the product being transferred is base gasoline, then in addition to the base gasoline identification, the following warning must be stated on the PTD: “Not for sale to the ultimate consumer”. If, pursuant to §80.173(a), the
(6) The name of the detergent additive as reported in its registration must be used to identify the detergent package on its PTD.

(7) If the product being transferred is leaded gasoline, then the PTD must disclose that the product contains lead and/or phosphorous, as applicable.

(8) If the product being transferred is gasoline or PRC that has been additized with detergent under a PADD-specific or CARB-based certification, or under a certification option which creates an oxygenate or PRC use restriction, then the PTD for the additized product must identify the applicable use restriction. The PTD for commingled additized gasolines or PRCs containing such restrictions must indicate the applicable restriction(s) from each component.

(9) If the product being transferred is detergent-additized gasoline or PRC that has been overadditized in anticipation of the later (or earlier) addition of PRC, then the PTD must include a statement that the product has been overadditized to account for a specified volume in gallons, or a specified percentage of the product’s total volume, of additional, specified PRC.

(10) If a detergent package has been certified under only one certification option, and that option places a use restriction on the respective LAC, then the PTD must include a statement that the product has been overadditized to account for a specified volume in gallons, or a specified percentage of the product’s total volume, of additional, specified PRC.

(11) Base gasoline designated for fuel-specific certification.

(i) The PTD for segregated base gasoline intended for additization with a specific fuel-specific detergent pursuant to §80.163(c) must indicate that it is for use with the designated, fuel-specific detergent.

(ii) A PTD for base gasoline may not indicate that the product is for use with a designated, fuel-specific detergent, unless the entire quantity of base gasoline is from the segregated fuel supply specified in the detergent’s certification and the gasoline contains only those oxygenates or PRCs, if any, specified and approved in the detergent’s certification.

(iii) If, pursuant to §80.163(c)(3), the fuel-specific certification for the segregated pool of gasoline has established that no detergent additives are necessary for such gasoline to comply with this subpart, then the PTD must identify this gasoline as detergent-equivalent gasoline.

(b) Use of product codes and other non-regulatory language. (1) Product codes and other non-regulatory language may not be used as a substitute for the specified PTD warning language specified in paragraph (a)(6) of this section for base gasoline, except that:

(i) The specified warning language may be omitted for bulk transfers of base gasoline from a refinery to a pipeline if there is a prior written agreement between the parties specifying that all such gasoline is unadditized and will not be transferred to the ultimate consumer;

(ii) Product codes may be used as a substitute for the specified warning language provided that the PTD is an electronic data interchange (EDI) document being used solely for the transfer of title to the base gasoline, and provided that the product codes otherwise comply with the requirements of this section.

(2) Product codes and other non-regulatory language may not be used in place of the PTD language specified in paragraph (a)(11) of this section regarding detergent package use restrictions.

(3) Product codes and other language not specified in this section may otherwise be used to comply with PTD information requirements, provided that they are clear, accurate, and not misleading.

(4) If product codes are used, they must be standardized throughout the distribution system in which they are used, and downstream parties must be informed of their full meaning.

(c) PTD exemption for small transfers of additized gasoline. Transfers of additized gasoline are exempt from the PTD requirements of this section provided all the following conditions are satisfied:
(1) The product is being transferred by a distributor who is not the product’s detergent blender; and
(2) The recipient is a wholesale purchaser-consumer (WPC) or other ultimate consumer of gasoline, for its own use only or for that of its agents or employees; and
(3) The volume of additized gasoline being transferred is no greater than 550 gallons.

(d) Recordkeeping Period. Any person creating, providing or acquiring product transfer documentation for gasoline, detergent, or detergent-additized PRC shall retain the documents required by this section for a period of five years from the date the product transfer documentation was created, received or transferred, as applicable, and shall deliver such documents to EPA upon request. WPCs are not required to retain PTDs of additized gasoline received by them.


§ 80.172 Penalties.

(a) General. Any person who violates any prohibition or affirmative requirement of §80.168 shall be liable to the United States for a civil penalty of not more than the sum of $25,000 for every day of such violation and the amount of economic benefit or savings resulting from the violation.

(b) Gasoline non-conformity. Any violation of §80.168(a) shall constitute a separate day of violation for each and every day the gasoline in violation remains at any place in the gasoline distribution system, beginning on the day that the gasoline is in violation of the respective prohibition and ending on the last day that such gasoline is offered for sale or is dispensed to any ultimate consumer.

(c) Detergent non-conformity. Any violation of §80.168(d) shall constitute a separate day of violation for each and every day the detergent in violation remains at any place in the gasoline or detergent distribution system, beginning on the day that the detergent is in violation of the prohibition and ending on the last day that detergent-additized gasoline, containing the subject detergent as a component thereof, is offered for sale or is dispensed to any ultimate consumer.

(d) Post-refinery component non-conformity. Any violation of §80.168(e) shall constitute a separate day of violation for each and every day the PRC in violation remains at any place in the PRC or gasoline distribution system, beginning on the day that the PRC is in violation of the respective prohibition and ending on the last day that detergent-additized gasoline containing the PRC is offered for sale or is dispensed to any ultimate consumer.

(e) Product transfer document non-conformity. Any violation of §80.168(c) shall constitute a separate day of violation for every day the PTD is not fully in compliance. This is to begin on the day that the PTD is created or should have been created and to end at the later of the following dates:

(1) The day that the document is corrected and comes into compliance; or
(2) The day that gasoline not additized in conformity with detergent certification program requirements, as a result of the PTD non-conformity, is offered for sale or is dispensed to the ultimate consumer.

(f) Volumetric additive reconciliation recordkeeping non-conformity. Any VAR recordkeeping violation of §80.168(b) shall constitute a separate day of violation for every day that VAR recordkeeping is not fully in compliance. Each element of the VAR recordkeeping program that is not in compliance shall constitute a separate violation for purposes of this section.

(g) Volumetric additive reconciliation compliance standard non-conformity. Any violation of the VAR compliance standard established in §80.170 shall constitute a separate day of violation for each and every day of the VAR compliance period in which the standard was violated.

(h) Volumetric additive reconciliation equipment calibration non-conformity. Any VAR equipment calibration violation of §80.168(b) shall constitute a separate day of violation for every day a VAR equipment calibration requirement is not met.

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