§ 80.335 What gasoline sample retention requirements apply to refiners and importers?

(a) Sample retention requirements. Beginning January 1, 2004, or January 1 of the first year allotments or credits are generated under §§80.275 and 80.305, whichever is earlier, any refiner or importer shall:

(1) Collect a representative portion of each sample analyzed under §80.330(a), of at least 330 ml in volume;

(2) Retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater, not to exceed 90 days for any given sample;

(3) Comply with the gasoline sample handling and storage procedures under §80.330(b) for each sample portion retained; and

(4) Comply with any request by EPA to:

(i) Provide a retained sample portion to the Administrator’s authorized representative; and

(ii) Ship a retained sample portion to EPA, within 2 working days of the date of the request, by an overnight shipping service or comparable means, to the address and following procedures specified by EPA, and accompanied with the sulfur test result for the sample determined under §80.330(a).

(b) Sample retention requirement for samples subject to independent analysis requirements. (1) Any refiner or importer who meets the independent analysis requirements under §80.65(f) for any batch of reformulated gasoline or RBOB will have met the requirements of paragraph (a) of this section, provided the independent laboratory meets the requirements of paragraph (a) of this section for the gasoline batch.

(2) For samples retained by an independent laboratory under paragraph (b) of this section, the test results required to be submitted under paragraph (a) of this section shall be the test results determined under §80.65(e).

(c) Sampling compliance certification. Any refiner or importer shall include with each annual report filed under §80.370, the following statement, which must accurately reflect the facts and
must be signed and dated by the same
person who signs the annual report:

I certify that I have made inquiries that
are sufficient to give me knowledge of the
procedures to collect and store gasoline sam-
pies, and I further certify that the proce-
dures meet the requirements of the ASTM
procedures required under 40 CFR 80.330.

(d) Prior to January 1, 2004, for pur-
poses of complying with the require-
ments of this section, refiners who ana-
lyze composited samples under § 80.330(a)(3) must retain portions of the
composited samples. Portions of sam-
pies of each batch comprising the com-
posited samples are not required to be
retained.

(e) For purposes of complying with
the requirements of this section for
RBOB, a sample of each RBOB batch
produced plus a sample of the ethanol
used to conduct the handblend testing
pursuant to § 80.69 must be retained.

§ 80.340 What standards and require-
ments apply to refiners producing
gasoline by blending blendstocks
into previously certified gasoline
(PCG)?

(a) Any refiner who produces gasoline
by blending blendstock into PCG must
meet the requirements of § 80.330 to
sample and test every batch of gasoline
as follows:

(1)(i) Sample and test to determine
the volume and sulfur content of the
PCG prior to blendstock blending.

(ii) Sample and test to determine the
volume and sulfur content of the gaso-
line subsequent to blendstock blending.

(iii) Calculate the volume and sulfur
content of the blendstock, by sub-
tracting the volume and sulfur content
of the PCG from the volume and sulfur
content of the gasoline subsequent to
blendstock blending. The blendstock is
a batch for purposes of compliance cal-
culations and reporting. For purposes
of this paragraph (a), compliance with the
applicable cap standard under § 80.195(a)
shall be determined based on the sulfur
content of the gasoline sub-
sequent to blendstock blending.

(2) In the alternative, a refiner may
sample and test each batch of
blendstock when received at the refin-
ery to determine the volume and sulfur
content, and treat each blendstock re-
cipe as a separate batch for purposes
of compliance calculations for the an-
nual average sulfur standard and for
reporting. This alternative applies only
if every batch of blendstock used at a
refinery during an averaging period has
a sulfur content that is equal to, or
less than, the applicable per-gallon cap
standard under §80.195 or §80.216.

(b) Refiners who blend only butane
into PCG may meet the sampling and
testing requirements by using sulfur
test results of the butane supplier, pro-
vided that the following requirements
are also met:

(1) The sulfur content of the butane
received from the butane supplier must
not exceed the following sulfur stand-
ards on a per-gallon basis as follows:

(i) 120 ppm in 2004, and 30 ppm for 2005
and any subsequent year;

(ii) Except that the per-gallon sulfur
content of butane blended to PCG that
is designated as GPA gasoline shall not
exceed 150 ppm from January 1, 2004,
through December 31, 2006.

(2) The refiner obtains test results
from the butane supplier that dem-
onstrate that the sulfur content of
each load of butane supplied does not
exceed the applicable per-gallon sulfur
standard under paragraph (b)(1) of this
section through test results of samples
of the butane contained in the storage
tank from which the butane blender is
supplied.

(i) Testing for the sulfur content of
the butane by the supplier must be sub-
sequent to each receipt of butane into
the supplier’s storage tank, or the test-
ing must be immediately before trans-
fer of butane to the butane blender.

(ii) The testing must be performed by
the method specified in § 80.46(a)(2) or
by the alternative method specified in
§80.46(a)(4).

(iii) The butane blender must obtain
a copy of the butane supplier’s test re-
results, at the time of each transfer of
butane to the butane blender, that re-
fect the sulfur content of each load of
butane supplied to the butane blender.

(3) The sulfur content and volume of
each batch of gasoline produced is that
of the butane the refiner blends into
gasoline for purposes of calculating
compliance with the standards in
§§80.195 and 80.216.