Environmental Protection Agency

 § 80.65 General requirements for refiners and importers.

(a) Date requirements begin. The requirements of this subpart D apply to all gasoline produced, imported, transported, stored, sold, or dispensed:

(1) At any location other than retail outlets and wholesale purchaser-consumer facilities on or after December 1, 1994; and

(2) At any location on or after January 1, 1995.

(b) Certification of gasoline and RBOB. Gasoline or RBOB sold or dispensed in a covered area must be certified under §80.40.

(c) Standards must be met on either a per-gallon or on an average basis. (1) Any refiner or importer, for each batch of reformulated gasoline or RBOB it produces or imports, shall meet:

(i) Those standards and requirements it designated under paragraph (d) of this section for per-gallon compliance on a per-gallon basis; and

(ii) Those standards and requirements it designated under paragraph (d) of this section for average compliance on an average basis over the applicable averaging period.

(2) [Reserved]

(3)(i) For each averaging period, and separately for each parameter that may be met either per-gallon or on average, any refiner or importer shall designate its gasoline or RBOB as being subject to the standard applicable to that parameter on either a per-gallon or average basis. For any specific averaging period and parameter all batches of gasoline or RBOB shall be designated as being subject to the per-gallon standard, or all batches of gasoline and RBOB shall be designated as being subject to the average standard. For any specific averaging period and parameter a refiner for a refinery, or any importer may not designate certain batches as being subject to the per-gallon standard and others as being subject to the average standard.

(ii) In the event any refiner for a refinery, or any importer fails to meet the requirements of paragraph (c)(3)(i) of this section and for a specific averaging period and parameter designates

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