test results, reflecting the sulfur content of each load of blendstock supplied to the transmix processor, at the time of each transfer of blendstock to the transmix processor.

(D) The transmix processor must conduct a quality assurance program of sampling and testing for each blendstock supplier. The frequency of blendstock sampling and testing must be one sample for every 500,000 gallons of blendstock received or one sample every 3 months, whichever results in more frequent sampling.

(iii) If any of the requirements of paragraph (d)(1)(ii) of this section are not met, in whole or in part, for any blendstock blended into TGP, the gasoline produced with that blendstock is deemed in violation of the gasoline sulfur standards of this subpart O.

(2) Option 2.

(i) Sample and test each batch of TGP and determine the volume of the TGP.

(ii) Sample and test the gasoline produced by blending blendstock into TGP, and determine its volume.

(iii) Calculate the sulfur content and the volume of the batch by subtracting the volume and sulfur content of the TGP from the volume and sulfur content of the gasoline after blendstock blending. For purposes of compliance and reporting, the sulfur content shall be the calculated volume and sulfur content of the blendstock, and the applicable standards shall be the average and cap standards in §80.1603. The applicable cap standard of the gasoline blend shall be the cap standard under §80.1604.

(iv) Tests shall be performed using the methods specified in §80.1630, to determine the sulfur content of the batch.

(v) The sulfur content of each batch of gasoline produced by blending blendstock into TGP must be no greater than the downstream sulfur standard under §80.1604 applicable to the designation of the TGP.

(e) Any transmix blender who produces gasoline by blending transmix, or mixtures of gasoline and distillate fuel described in §80.84(e), into previously certified gasoline under §80.84(d) must meet the applicable downstream sulfur standards under §80.1604 for the gasoline produced by blending transmix and previously certified gasoline and the endpoint standard specified in §80.84.

(f) Any transmix processor or transmix blender who adds any feedstock to its transmix other than gasoline, distillate fuel, or gasoline blendstocks from pipeline interface must meet all requirements and standards that apply to a refiner under this subpart O for all gasoline it produces during a compliance period.

§ 80.1608 [Reserved]

§ 80.1609 Oxygenate blender requirements.

(a) Oxygenate blenders who blend only oxygenate that complies with the requirements of paragraph (b) of this section into gasoline downstream of the refinery that produced the gasoline or the import facility where the gasoline was imported are not subject to the refiner or importer requirements of this subpart for such gasoline, but are subject to the requirements and prohibitions applicable to downstream parties in this subpart. Such oxygenate blenders are subject to the requirements and prohibitions applicable to downstream parties, the requirements and prohibitions specified in §80.1603(d)(4), and the prohibition specified in §80.1660(e).

(b) Beginning January 1, 2017, the DFE or other oxygenate used must comply with the requirements of §80.1603(d)(4), and the prohibition specified in §80.1660(e).

(c) Beginning January 1, 2017, the DFE or other oxygenate used must comply with the requirements of §80.1610 and all of the other requirements of this subpart O. Prior to January 1, 2017, DFE is subject to the sulfur requirements of §80.385(e).

§ 80.1610 Standards and requirements for producers and importers of denatured fuel ethanol and other oxygenates designated for use in transportation fuel.

Beginning January 1, 2017, producers and importers of denatured fuel ethanol (DFE) or other oxygenates designated for use in transportation fuel must comply with the following requirements:

(a) Standards. (1) The sulfur content must not be greater than 10 ppm.

(2) The DFE or other oxygenate must be composed solely of carbon, hydrogen, nitrogen, oxygen and sulfur.

(3) In the case of DFE, only previously certified gasoline (including
§ 80.1611 Standards and requirements for certified ethanol denaturant.

Producers and importers of ethanol denaturant that is suitable for the manufacture of denatured fuel ethanol (DFE) meeting federal quality requirements may designate the denaturant as certified ethanol denaturant if the following requirements are met.

(a) Standards. (1) The sulfur content must not be greater than 330 ppm as determined in accordance with the test requirements of §80.1630. If the denaturant manufacturer represents a batch of denaturant as having a sulfur content of less than 330 ppm in the PTD, then the actual sulfur content must be no greater than the stated value as determined in accordance with the requirements of §80.1644.

(2) The ethanol denaturant must be composed solely of carbon, hydrogen, nitrogen, oxygen and sulfur.

(3) Only previously certified gasoline (including previously certified blendstocks for oxygenate blending), gasoline blendstocks, or natural gas liquids may be used as denaturants.

(b) Registration. Unless registered under §80.1450, the producer or importer of ethanol denaturant must register with EPA pursuant to the requirements of §80.1650.

(c) PTDs. In addition to any other product transfer document requirements under this part, on each occasion when any person transfers custody or title to any oxygenate upstream of any oxygenate blending facility, the transferor shall provide to the transferee product transfer documents which include the following information:

(1) For DFE, “Denatured fuel ethanol, maximum 10 ppm sulfur.”; or

(2) For oxygenates other than DFE, the name of the specific oxygenate must be identified on the PTD, followed by “maximum 10 ppm sulfur”.

(3) PTDs that are complaint with the requirements in paragraph (c) of this section must be transferred from each party transferring oxygenate to each party that receives oxygenate through the oxygenate blender.

(4) Alternative PTD language to that specified in paragraphs (c)(1) and (2) of this section may be used as approved by EPA.

(d) Batch numbers. Every batch of oxygenate produced or imported at oxygenate production or import facility shall be assigned a number (the “batch number”), consisting of the EPA-assigned oxygenate producer or importer registration number, the EPA facility registration number, the last two digits of the year in which the batch was produced, and a unique number for the batch, beginning with the number one for the first batch produced or imported each calendar year and each subsequent batch during the calendar year being assigned the next sequential number (e.g., 4321-54321-95-000001, 4321-54321-95-000002, etc.). An alternative batch numbering protocol may be used as approved by the Administrator.

(e) Annual Reports. Submit annual reports to EPA pursuant to the requirements of §80.1652.

§ 80.1611 Standards and requirements for certified ethanol denaturant.