§ 80.1655 National security exemption.

(a) The standards of § 80.1603 do not apply to gasoline that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in any of the following:

(1) Tactical military vehicles, engines, or equipment having an EPA national security exemption from the gasoline emission standards under 40 CFR part 86.

(2) Tactical military vehicles, engines, or equipment that are not subject to a national security exemption from vehicle or engine emissions standards as described in paragraph (a)(1) of this section but, for national security purposes (for purposes of readiness for deployment overseas), need to be fueled on the same gasoline as the vehicles, engines, or equipment for which EPA has granted such a national security exemption.

(b) The exempt fuel must meet all the following conditions:

(1) It must be accompanied by product transfer documents as required under § 80.1651.

(2) It must be segregated from non-exempt gasoline at all points in the distribution system.

(3) It must be dispensed from a fuel pump stand, fueling truck, or tank that is labeled with the appropriate designation of the fuel.

(4) It may not be used in any vehicles, engines, or equipment other than those referred to in paragraph (a) of this section.

(c) Any national security exemptions approved under subpart H of this part will remain in place under this subpart O.

§ 80.1656 Exemptions for gasoline used for research, development, or testing purposes.

(a) Written request for a research and development exemption. Any person may receive an exemption from the provisions of this subpart for gasoline used for research, development, or testing (\"R&D\") purposes by submitting the information listed in paragraph (c) of this section to EPA. Applications for R&D exemptions must be submitted to the address in paragraph (b) of this section.

(b) Criteria for a research and development exemption. For a research and development exemption to be granted, the person requesting an exemption must do all the following:

(1) Demonstrate a purpose that constitutes an appropriate basis for exemption.

(2) Demonstrate that an exemption is necessary.

(3) Design a research and development program that is reasonable in scope.

(4) Have a degree of control consistent with the purpose of the program and EPA's monitoring requirements.

(c) Information required to be submitted. To demonstrate each of the elements in paragraph (b) of this section, the person requesting an exemption must include all the following information:

(1) A concise statement of the purpose of the program demonstrating that the program has an appropriate research and development purpose.

(2) An explanation of why the stated purpose of the program cannot be achieved in a practicable manner without performing one or more of the prohibited acts under this subpart O.

(3) All the following, to demonstrate the reasonableness of the scope of the program:

   (i) An estimate of the program's beginning and ending dates.

   (ii) An estimate of the maximum number of vehicles or engines involved in the program and the number of miles and engine hours that will be accumulated on each.

   (iii) The sulfur content of the gasoline expected to be used in the program.

   (iv) The quantity of gasoline which does not comply with the requirements of § 80.1603.

   (v) The manner in which the information on vehicles and engines used in the program will be recorded and made available to the Administrator upon request.

   (4) With regard to control, a demonstration that the program affords EPA a monitoring capability, including all the following:

      (i) A description of the technical and operational aspects of the program.
(ii) The site(s) of the program (including facility name, street address, city, county, state, and zip code).

(iii) The manner in which information on the fuel used in the program (including quantity, fuel properties, name, address, telephone number and contact person of the supplier, and the date received from the supplier), will be recorded and made available to the Administrator upon request.

(iv) The manner in which the party will ensure that the research and development fuel will be segregated from gasoline meeting the standards of this subpart and how fuel pumps will be labeled to ensure proper use of the research and development fuel.

(v) The name, address, telephone number, and title of the person(s) in the organization requesting an exemption from whom further information on the application may be obtained.

(vi) The name, address, telephone number, and title of the person(s) in the organization requesting an exemption who is responsible for recording and making available the information specified in this paragraph (c), and the location where such information will be maintained.

(d) Additional requirements. (1) The product transfer documents associated with research and development gasoline must comply with requirements of §80.1651(c).

(2) The research and development gasoline must be designated by the refiner or supplier, as applicable, as exempt research and development gasoline.

(3) The research and development gasoline must be kept segregated from non-exempt gasoline at all points in the distribution system.

(4) The research and development gasoline must not be sold, distributed, offered for sale or distribution, dispensed, supplied, offered for supply, transported to or from, or stored by a fuel retail outlet, or by a wholesale purchaser-consumer facility, unless the wholesale purchaser-consumer facility is associated with the research and development program that uses the gasoline.

(5) At the completion of the program, any emission control systems or elements of design which are damaged or rendered inoperative shall be replaced on vehicles remaining in service, or the responsible person will be liable for a violation of the Clean Air Act section 203(a)(3) (42 U.S.C. 7522(a)(3)) unless sufficient evidence is supplied that the emission controls or elements of design were not damaged.

(e) Memorandum of exemption. The Administrator will grant an R&D exemption upon a demonstration that the requirements of this section have been met. The R&D exemption will be granted in the form of a memorandum of exemption signed by the applicant and the Administrator (or delegate), which may include such terms and conditions as the Administrator determines necessary to monitor the exemption and to carry out the purposes of this section, including restoration of emission control systems.

(1) The volume of fuel subject to the approval shall not exceed the estimated amount under paragraph (c)(3) of this section, unless EPA grants a greater amount in writing.

(2) Any exemption granted under this section will expire at the completion of the test program or three years from the date of approval, whichever occurs first, and may only be extended upon re-application consistent with all requirements of this section.

(3) EPA may elect at any time to review the information contained in the request, and where appropriate may notify the responsible person of disapproval of the exemption.

(4) In granting an exemption the Administrator may include terms and conditions, including replacement of emission control devices or elements of design, that the Administrator determines are necessary for monitoring the exemption and for assuring that the purposes of this subpart are met.

(5) Any violation of a term or condition of the exemption, or of any requirement of this section, will cause the exemption to be void ab initio.

(6) If any information required under paragraph (c) of this section should change after approval of the exemption, the responsible person must notify EPA in writing immediately. Failure to do so may result in disapproval of the exemption or may make it void.

1224
Environmental Protection Agency § 80.1660

ab initio, and may make the party liable for a violation of this subpart O.

(f) Effects of exemption. Gasoline that is subject to a research and development exemption under this section is exempt from other provisions of this subpart O provided that the fuel is used in a manner that complies with the purpose of the program under paragraph (c) of this section and all other requirements of this section.

(g) Notification of completion. The party shall notify EPA in writing within 30 days after completion of the research and development program.

(h) Submission. Requests for research and development exemptions shall be sent to the following address: U.S. EPA—Attn: Tier 3 Program (R&D Exemption Request), 6406J, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

§ 80.1657 [Reserved]

§ 80.1658 Requirements for gasoline for use in American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The gasoline sulfur standards of this subpart O do not apply to gasoline that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in the Territories of Guam, American Samoa or the Commonwealth of the Northern Mariana Islands, provided that such gasoline meets all the following requirements:

(a) The gasoline is designated by the refiner or importer as high sulfur gasoline only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(b) The gasoline is used only in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(c) The gasoline is accompanied by documentation that complies with the product transfer document requirements of § 80.1651(c)(3).

(d) The gasoline is segregated from non-exempt high sulfur gasoline at all points in the distribution system from the point the fuel is designated as gasoline only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, while the fuel is in the United States but outside these Territories.

§ 80.1659 [Reserved]

§ 80.1660 Prohibited acts.

No person shall—

(a) Averaging violation. Produce or import gasoline that does not comply with the applicable sulfur average standard under § 80.1603.

(b) Cap standard violation. Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport gasoline, oxygenate, or ethanol denaturant that does not comply with the applicable sulfur cap standards under § 80.1603, § 80.1604, § 80.1610, or § 80.1611.

(c) Causing violating gasoline, oxygenate, or ethanol denaturant to be in the distribution system. Cause gasoline, oxygenate, or ethanol denaturant to be in the distribution system which does not comply with an applicable sulfur cap standard under § 80.1603, § 80.1604, § 80.1610, or § 80.1611.

(d) Oxygenate violation. Starting March 1, 2017, blend into gasoline, RBOB, or CBOB any oxygenate, including but not limited to denatured fuel ethanol, that has a sulfur content higher than 10 ppm.

(e) Additive blender violation. Unless acting in the capacity of a gasoline refiner or importer under § 80.1613, introduce an additive other than an oxygenate compound into gasoline, CBOB, or RBOB which contributes more than 3 ppm to the sulfur content of the finished gasoline, CBOB, or RBOB.

(f) Additive manufacturer violation. Introduce an additive with a maximum allowed treatment rate of less than 1.0 volume percent into gasoline, CBOB, or RBOB which contributes more than 3 ppm to the sulfur content of the finished gasoline, CBOB, or RBOB, or introduce more than 1.0 volume percent of any additive other than an oxygenate into gasoline, CBOB, or RBOB without complying with all the requirements of this subpart O, including the standards and requirements at § 80.1640 that apply to refiners producing gasoline by blending blendstocks into PCG.