

§ 1090.1500

40 CFR Ch. I (7-1-23 Edition)

and instrument used to test the gasoline samples collected under this section.

(1) Permit any representative of EPA to monitor at any time the conducting of the NSTOP, including sample collection, transportation, storage, and analysis.

(d) *NSTOP plan requirements.* The NSTOP plan specified in paragraph (c)(1) of this section must include, at a minimum, all the following:

(1) *Advance notice of sampling.* The NSTOP plan must include procedures on how to keep the identification of the gasoline manufacturing facilities included in the NSTOP plan confidential with minimal advanced notification from any participating gasoline manufacturer prior to collecting a sample. However, this information must not be kept confidential from EPA.

(2) *Gasoline manufacturing facility selection.* (i) Each participating gasoline manufacturing facility must be sampled at least once during each season they produce fuel. The plan must demonstrate how these facilities will be randomly selected within the summer and winter seasons.

(ii) In addition to the summer and winter season samples collected at each participating gasoline manufacturing facility, additional oversight samples are required under paragraph (d)(3)(ii) of this section. The independent surveyor must identify how these samples will be randomly distributed among participating gasoline manufacturing facilities.

(3) *Number of samples.* (i) The number of gasoline manufacturing facilities to be sampled must be calculated for the total number of samples to be collected for the next calendar year as part of the NSTOP plan.

(ii) The minimum number of samples to be included in the NSTOP plan for each calendar year is calculated as follows:

n = R * F_a * F_b * Su_n

Where:

n = Minimum number of samples in a year.
R = The number of participating gasoline manufacturing facilities.

F_a = Adjustment factor for the number of extra samples required to compensate for samples that could not be included in the

NSTOP (*e.g.*, due to technical or logistical considerations), based on the number of additional samples required during the previous 2 calendar years. F_a must be greater than or equal to 1.1.

F_b = Adjustment factor for the number of samples required to ensure oversight. For purposes of this program, F_b equals 1.25.

Su_n = Number of samples required per participating facility per year. For purposes of this program, Su_n equals 2.

(4) *Laboratory designation.* Any laboratory that the independent surveyor intends to use to test samples collected as part of the NSTOP must be approved annually as part of the program plan approval process in §1090.1400(a). The independent surveyor must include the following information regarding each laboratory it intends to use to test samples:

(i) The name of the laboratory.

(ii) The address of the laboratory.

(iii) The test methods for each fuel parameter measured at the laboratory.

(iv) Records demonstrating the laboratory's performance in a laboratory crosscheck program for the most recent 12 months prior to submission of the plan.

(5) *Sampling procedure.* The plan must include a detailed description of the sampling procedures used to collect samples at participating gasoline manufacturing facilities.

(6) *Notification of test results.* The NSTOP plan must include a description of how the independent surveyor will notify EPA and gasoline manufacturers of test results under paragraph (c)(4) of this section.

(7) *Submission.* NSTOP plans submitted under this section must be approved annually under §1090.1400(a).

Subpart P—Retailer and Wholesale Purchaser-Consumer Provisions

§ 1090.1500 Overview.

(a) A retailer or WPC must comply with the labeling requirements in §§1090.1510 and 1090.1515, as applicable, and the refueling hardware requirements in §§1090.1550 through 1090.1565, as applicable.

(b) An alternative label design to those specified in this subpart may be used if the design is approved by EPA

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prior to use and meets all the following requirements:

- (1) The alternative label must be similar in substance and appearance to the EPA-required label.
- (2) The alternative label must contain the same informational elements as the EPA-required label.
- (3) The alternative label must be submitted as specified in § 1090.10.

LABELING

§ 1090.1510 E15 labeling provisions.

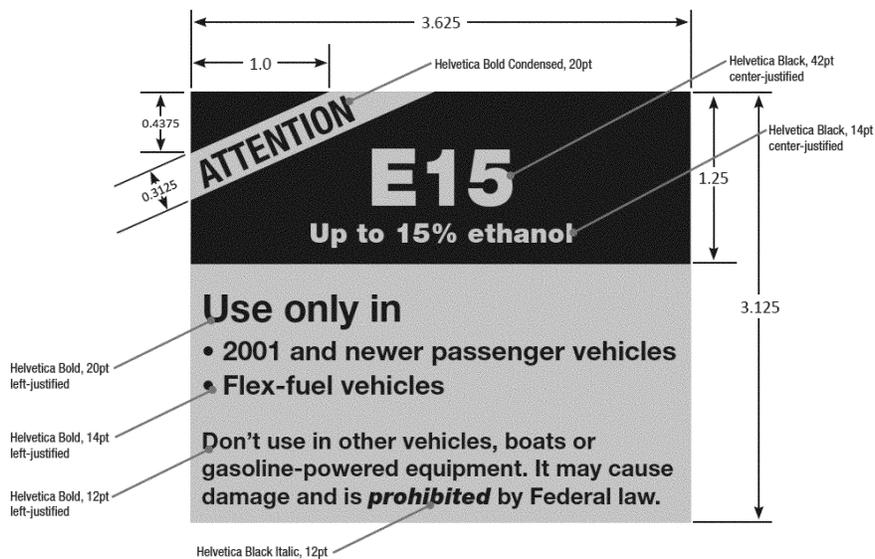
Any retailer or WPC dispensing E15 must apply a label to the fuel dispenser as follows:

- (a) Position the label to clearly identify which control the consumer will

use to select E15. If the dispenser is set up to dispense E15 without the consumer taking action to select the fuel, position the label on a vertical surface in a prominent place, approximately at eye level.

(b) Figure 1 of this paragraph shows the required content and formatting. Use black letters on an orange background for the lower portion and the diagonal “Attention” field and use orange letters on a black background for the rest of the upper portion. Font size is shown in Figure 1. Set vertical position and line spacing as appropriate for each field. Dimensions are nominal values.

Figure 1 to paragraph (b)—E15 Label



§ 1090.1515 Diesel sulfur labeling provisions.

A retailer or WPC dispensing heating oil, 500 ppm LM diesel fuel, or ECA marine fuel must apply labels to fuel dispensers as follows:

- (a) Labels must be in a prominent location where the consumer will select or dispense either the corresponding fuel or heating oil. The label content

must be in block letters of no less than 24-point bold type, printed in a color contrasting with the background.

(b) Labels must include the following statements, or equivalent alternative statements approved by EPA:

- (1) For dispensing heating oil along with any kind of diesel fuel for any kind of engine, vehicle, or equipment, apply the following label: