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**RFG/Anti-Dumping
Questions and Answers
September 12, 1994**

Fuels and Energy Division
Office of Mobile Sources
U.S. Environmental Protection Agency

RFG/Anti-Dumping Questions and Answers, September 12, 1994

The following are responses to most of the questions received by the Environmental Protection Agency (EPA) through August 29, 1994, concerning the manner in which the EPA intends to implement and assure compliance with the reformulated gasoline and anti-dumping regulations at 40 CFR Part 80. This document was prepared by EPA's Office of Air and Radiation, Office of Mobile Sources, and Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, Air Enforcement Division.

Regulated parties may use this document to aid in achieving compliance with the reformulated gasoline (RFG) and anti-dumping regulations. However, this document does not in any way alter the requirements of these regulations. While the answers provided in this document represent the Agency's interpretation and general plans for implementation of the regulations at this time, some of the responses may change as additional information becomes available or as the Agency further considers certain issues.

This guidance document does not establish or change legal rights or obligations. It does not establish binding rules or requirements and is not fully determinative of the issues addressed. Agency decisions in any particular case will be made applying the law and regulations on the basis of specific facts and actual action.

While we have attempted to include answers to all questions received by August 29, 1994, the necessity for policy decisions and/or resource constraints may have prevented the inclusion of certain questions. Questions not answered in this document will be answered in a subsequent document. Questions that merely require a justification of the regulations, or that have previously been answered or discussed either in a previous Question and Answer document or the Preamble to the regulations have been omitted.

Topics Covered

Renewable Oxygenates
Registration/Recordkeeping/Reporting
Product Transfer Documentation
Anti-Dumping Requirements
Exemptions under Section 325(a)(1)

RENEWABLE OXYGENATES

1. **Question:** How does a refiner or importer make renewable oxygenate calculations?

Answer: Please refer to § 80.83(d) which explains compliance total, actual total, and credit calculations for renewable oxygenate.

2. **Question:** Are there EPA forms for renewable oxygenate credit trading?

Answer: Parties must report all transfers of credits to EPA in conformance with the requirements of § 80.75(h) in the case of oxygen and benzene credits, and § 80.83(g)(2)(vii) in the case of renewable oxygenate credits. EPA will provide forms for meeting these credit transfer reporting requirements, including renewable oxygenate credit transfer reports.

EPA has not provided, and does not plan to provide, forms for the transferors and transferees of credits to send to one another.

REGISTRATION/RECORDKEEPING/REPORTING

1. **Question:** We assume that a terminal operator who stores gasoline for a terminalling customer is responsible for receiving transfer documentation on RFG and conventional gas moved into the terminal for the customer. The terminal then records and stores copies of the transfer documents, produces a new transfer document at the time of the transfer out of the terminal, and passes this document back to the customer after the move out.

The transfer documents for RFG require only minimum/maximum standards for benzene, oxygen, RVP, etc., rather than actual measurement of these specifications. Since the regulations require refiners and importers to report actual measurement of specs, we are assuming that a terminal does not have to report to the EPA the information on the transfer documents. Is this a correct assumption?

Answer: Yes.

PRODUCT TRANSFER DOCUMENTATION

****Correction:** Question # 4 of the Product Transfer Documentation section (VI.I) of the July 1, 1994 "Reformulated Gasoline and Anti-Dumping Questions and Answers" document, and question #2 of the "RFG/Anti-Dumping Questions and Answers, August 29, 1994" document, mention "specific language regarding conventional gasoline at § 80.106(a)(1)(vi)." The specific language referred to, however, is actually located in the regulations at § 80.106(a)(1)(vii).

1. **Question:** Must the "specific language required," i.e., statement regarding conventional gasoline, be put on terminal truck Bills of Lading?

Answer: Section § 80.106(a)(1) states that on each occasion "when any person transfers custody or title to any conventional gasoline," the transferor must provide to the transferee documents which include the statement contained in § 80.106(a)(1)(vii). Accordingly, the statement must be contained in either the bill of lading or some other document that the terminal provides to the truck carrier.

ANTI-DUMPING REQUIREMENTS

1. **Question:** If a cargo of conventional gasoline is imported before 1995, but not sold over the rack or to a wholesaler until 1995, is it to be accounted in the 1995 compliance calculation?

Answer: Standards apply to any conventional gasoline produced or imported during the averaging period. Therefore, a cargo of conventional gasoline imported before January 1995 would not be included in the importer's 1995 compliance calculation, even if all or some of the cargo was not sold until 1995.

EXEMPTIONS UNDER § 325(a)(1)

1. **Question:** Will EPA consider exempting Guam or the Northern Mariana Islands from the RFG/Anti-dumping regulations pursuant to § 325(a)(1) of the Clean Air Act, subject to a request from the Governor of these territories?

Answer: Section 325(a)(1) of the Clean Air Act (Act) provides that, upon petition by the Governor of Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Administrator of EPA may exempt any person or source (or class of persons or sources) in such territory from any requirement under the Act¹ if the Administrator finds that compliance with such requirement is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or such other local factors as the Administrator deems significant. Accordingly, before EPA can consider exempting Guam or the Northern Mariana Islands from the RFG/Anti-dumping regulations, a petition must be submitted to EPA by the Governor of the territory detailing why compliance is not feasible or is unreasonable due to factors unique to the territory. Although Guam and the Northern Mariana

¹Other than section 112 or any requirement under section 110 or part D necessary to attain or maintain a national primary ambient air quality standard.

Islands currently are not areas designated to be covered by the reformulated gasoline regulations, these territories are subject to the anti-dumping regulations for conventional gasoline.