

Guidance on Mobile Facilities

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Assessment and Standards Division
Office of Transportation and Air Quality
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This guidance document pertains to the revisions of § 80.502, § 80.597, § 80.600, and §80.602, which are contained in a Direct Final Rulemaking that was signed on November 8, 2005 and published in the [Federal Register on November 22, 2005](#); this document is intended to supplement the regulation to assist entities within the regulatory requirements of mobile facilities.

For a complete listing of the regulations, please visit the [Electronic Code of Federal Regulations](#).

The technical amendments to the regulations allow entities to register mobile components that transport their fuel as one or more mobile facilities. During discussions with parties in the fuel industry, it became evident to EPA that it could be extremely difficult for every vessel (or “mobile component”) owner/operator that transports fuel to register for the purposes of designate and track (D&T). This could prove especially difficult for those companies that tend to lease mobile components on a short-term basis or use a different carrier each time they must transport fuel. While some entities indicated that they had situations where it actually would be easier for them to have the owner/operators register, EPA has issued a technical amendment that will allow entities to register contracted mobile components as one or more “mobile facilities”.

Vessel owners/operators may still register with EPA as separate entities and facilities. In this case, each owner/operator is responsible for all requirements associated with D&T, including recordkeeping, reporting, and volume balance accounting.

- Mobile components are (and are not necessarily limited to): barges, ships, trucks, and rail cars; and these vessels can be domestic or foreign
- The regulations will now allow an entity to combine various mobile components and register them as a ‘virtual’ facility
 - An entity must obtain the required 4-digit Entity ID and 5-digit Facility ID(s) by submitting the proper registration forms to EPA
 - As with other facilities, each mobile facility must be referenced in required recordkeeping and reporting documents by a 9-digit identification number resulting from the combination of [Entity ID][Facility ID]
- Mobile components may be defined and combined by an entity as it best sees fit
 - For example:
 - an entity may combine all mobile activities together (e.g., “Acme Fuels Mobile Operations” could consist of the 2 trucks and one rail car that Acme Fuels contracts to transport its fuel)
 - an entity may segregate mobile facilities by mobile component type, and have multiple registrations (e.g., “Acme Fuels Trucking”)

- would consist of only the trucks that transport its fuel and “Acme Fuels Rail” would consist of only the rail cars)
 - an entity may segregate mobile activities by area (region, route, waterway, etc) and register multiple facilities (e.g., “Acme Fuels East Coast” and “Acme Fuels West Coast”)
 - an entity may also use a combination of these (e.g., “Acme Fuels Trucking- East Coast” would consist of only the trucks that Acme Fuels uses to transport its fuel in the East Coast area that it defined in its registration)
 - Regardless of how an entity registers its mobile operations, a description and/or diagram should be provided to describe the nature of the mobile facility (if registering multiple facilities by area this should include a detailed description/diagram of the area(s) that define the mobile facilities’ boundaries)
 - If an entity both owns and contracts/hires mobile components, these may not be combined in the same mobile facility registration. Entity-owned components should be put into a separate mobile facility(s) from those operations in which an entity hires/contracts an owner/operator to transport its product
 - Facilities comprised of owned mobile components may be aggregated with the entity’s other owned stationary facilities, per the aggregation requirements of § 80.502
- Registration for these mobile facilities need not contain information on the exact number of the mobile components or information regarding the specific companies contracted
 - Mobile components and contracts with various owner/operators of mobile components can be added/deleted from the facility without the need to notify EPA
 - These mobile components will thus be able to transport product for the registered entity without the mobile component, or its owner/operator, being registered with EPA
 - Contract information with these mobile vessels should be retained by the entity that registered the mobile facility
 - EPA reserves the right to request this information at any time
 - An entity must also keep any other records that would be probative in the case of a D&T or standards violation (such as shipping records)
- All facility registration, recordkeeping, and reporting are the responsibility of the entity that registered the mobile facility
 - The ‘tracking’ portion of D&T, and reporting, must be done by the registered entity, not the owner/operators of the mobile components
 - Volume balance requirements must be satisfied

- To report volumes, an entity would: add up all hand-offs for all mobile components, included under a given mobile facility's registration, received and report the total as "receipts;" add up all hand-offs for all mobile components, included under a given mobile facility's registration, delivered and report the total as "deliveries"
 - For example, a mobile facility "Acme Fuels Trucking- East Coast" would report the total volume moved (whether standing contracts with truck owner/operators, or a last-minute acquisition of extra space on a truck), rather than the volume put on each specific truck (records would still need to be maintained by the registered entity though)
 - If a mobile facility is defined by a certain area in its registration, the volumes of fuel that can be counted as receipts or deliveries can *only* be operations that occurred within the boundaries defining that facility (e.g., volumes of fuel that are reported as received or delivered by Acme Fuels Trucking- East Coast can only be from those truck movements that occurred within the East Coast 'boundaries', as defined in the facility's registration)

- *Hand-offs and Transfers of Custody or Title*
 - PTDs for mobile entities are similar to any other hand-off that occurs with stationary facilities
 - The entity and facility registration numbers given by EPA should be used on PTDs
 - In situations where the recipient/transferee is unknown until the point of delivery, a PTD may be issued at that point
 - In situations where a contracted mobile component of one mobile facility transfers fuel to a contracted component of another mobile facility, a point-of-delivery PTD may be issued and should contain the ID numbers of both of the registered mobile facilities
 - For the special case where title changes while a mobile component is in transit (but the fuel never leaves the mobile component and facility), the original entity that registered the mobile facility will continue to be responsible for the D&T requirements until the fuel leaves that mobile facility (*i.e.*, a case where title is transferred "on the water"- fuel in a barge that is covered by one entity's mobile facility is sold to another entity while the barge is in transit)

- *Violations and Liability*
 - D&T Violations: For D&T violations, liability is by registered facility (and we would consider, in cases such as this, fuel in a contracted mobile component to be in the custody of the registered entity since the mobile component and the fuel are within the 'boundaries' of the entity's facility, and the entity still has title to the fuel)

- For example- if a volume balance error was found anywhere within a registered mobile facility, the registering entity would be the party held responsible
- Standards violations: For standards violations, liability is by *any* party/facility and can be either custody or title-based-- all parties involved in cases of standards violations could be presumed liable; including the entity that registered the mobile facility and the owner/operator of the mobile component in which the off-spec fuel is found
 - As with all fuels programs, presumptive liability may also affect all other parties ‘up the chain’ that handled the specific batch of fuel
 - EPA may require that records regarding the specific contracted mobile components be produced
- *Aggregation*
 - An entity may aggregate a mobile facility with another one of its facilities only if the entity owns all of the mobile components in that mobile facility (similar to § 80.502(b)(2))
 - Per § 80.502(b)(4), mobile facilities may only be aggregated with a facility that they receive fuel from or deliver fuel to, but not both