

## Chapter 126 -- Mobile Sources

### Subchapter A. Oxygenate Content

#### § 126.101. General.

(a) This subchapter applies to gasoline which is sold or transferred into or within a control area for use as a motor vehicle fuel during the applicable control period.

(b) A blender may not sell or transfer gasoline intended for use or used in a control area to a terminal owner or operator, distributor, carrier, reseller, retailer or wholesale purchaser-consumer unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis. For the purposes of this subchapter, sell or transfer means to offer for sale, exchange, offer to exchange, dispense, offer to dispense, supply, offer to supply, store, offer to store, transport or cause the transportation.

(c) Beginning 5 days prior to the applicable control period, an owner or operator of a terminal (as defined in § 121.1 (relating to definitions)) may not sell or transfer gasoline intended for use or used in a control area to a distributor, carrier, reseller, retailer or wholesale purchaser-consumer unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(d) A distributor, carrier or reseller may not sell or transfer gasoline to a retailer or to a wholesale purchaser-consumer in a control area unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(e) Beginning November 1 of each year or other control period start date which may be specified by EPA, a retailer or a wholesale purchaser-consumer in a control area may not sell or transfer gasoline unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(f) Nonoxygenated gasoline may be stored, sold or transferred only if it is segregated from all oxygenated gasoline and clearly and conspicuously marked as: “Nonoxygenated gasoline, not for sale to the ultimate consumer in a control area during a control period.”

(g) The requirements of this subchapter apply to and remain in effect in a control area during a control period. If a control area attains the standard for carbon monoxide and an SIP revision for that redesignation which does not require continuance of the requirements of this subchapter is approved by EPA, the requirements of this subchapter will not apply to the control area, except as provided in subsection (h).

(h) If an area that has been redesignated as attainment for carbon monoxide fails to maintain that attainment, the requirements of this subchapter shall be reinstated in accordance with the provisions of a maintenance plan required by section 175A of the Clean Air Act (42 U.S.C.A.

§ 7505a) and the regulations promulgated thereto provided a notice of the reinstatement is published in the *Pennsylvania Bulletin* not less than 60 days prior to the effective date of the reinstatement.

**§ 126.102. Sampling and testing.**

(a) For the purpose of determining compliance with the requirements of this subchapter, the oxygen content of gasoline shall be determined by:

(1) Use of the sampling methodologies set forth at 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility) or other methods approved by EPA.

(2) Use of testing methods and calculations in the *Guidelines for Oxygenated Gasoline Credit Programs under Section 211(m) of the Clean Air Act as Amended* or other methods developed or approved by EPA. The Guidelines are available from EPA at the following address: United States Environmental Protection Agency, Office of Mobile Sources, Field Operations and Support Division (6406-J), 401 M Street, S. W., Washington, D.C. 20460.

(b) A blender who produces oxygenated gasoline intended for use or used in a control area during the applicable control period, other than in a truck, is required to sample, test and calculate in accordance with subsection (a), the oxygen content of each batch of oxygenated gasoline which the blender produces.

(c) There may not be blending of oxygenated gasoline in a truck unless the blending is done with a terminal loading rack injection/blending system. The blending shall be done in accordance with a quality assurance program approved by the Department, which includes product sampling and testing as specified in subsection (a) to verify the oxygen content listed on the record required under § 126.103(a) (relating to recordkeeping and reporting). This blending cannot violate the vapor emissions control and recovery regulations of Chapter 129 (relating to standards for sources).

(d) Terminal owners or operators shall develop and conduct a quality assurance program including product sampling and testing as specified in subsection (a) to verify the oxygen content listed on the record required under § 126.103(a).

**§ 126.103. Recordkeeping and reporting.**

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use or used in a control area during the control period, each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain the following information:

- (1) The date of the sale or transfer.
  - (2) The name and address of the transferor.
  - (3) The name and address of the transferee.
  - (4) The volume of gasoline which is being sold or transferred.
  - (5) The oxygen content by weight on a per gallon basis determined using the sampling, testing and oxygen content calculations authorized by § 126.102 (relating to sampling and testing).
  - (6) A statement that either identifies the specific oxygenate contained in the gasoline or identifies whether the oxygenate contained in the gasoline is an alcohol or an ether.
  - (7) The location of the gasoline at the time of transfer.
- (b) Blenders shall maintain copies of the records developed under § 126.102(b) and (c) to determine the oxygen content of the gasoline.
- (c) Terminal owners and operators shall maintain copies of the records developed under §126.102(d) sufficient to verify the oxygen content of the gasoline.
- (d) A distributor who transports, stores or causes the transportation or storage of gasoline into or within a control area at any point between a terminal and a retail outlet or wholesale purchaser-consumer's facility, shall carry and maintain copies of the records containing the information listed in subsection (a).
- (e) A retailer or wholesale purchaser-consumer shall maintain copies of the records containing the information listed in subsection (a).
- (f) A person subject to the recordkeeping requirements under this section shall maintain the records for at least 2 years and shall make them available or submit them to the Department upon request.
- (g) A person except a retailer or wholesale purchaser-consumer who sells or transfers gasoline intended for use or used in a control area during the control period shall provide the Department with a statement upon request, in a form as the Department may prescribe, describing the person's compliance with the requirements of this subchapter. The statement shall contain a certification by a company officer or the facility manager that the information contained in the statement is accurate.

**§ 126.104. Labeling requirements.**

- (a) Retailers are responsible for compliance with the labeling requirements of this section.

(b) During the control period, each gasoline dispenser from which oxygenated gasoline is dispensed at a retail outlet in the control area shall have affixed a legible and conspicuous label which contains the following statement: “From November 1 through February 29, the gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.”

(c) The statement in subsection (b) shall be in block letters of at least 20-point (3/16") bold type and in a color that contrasts with the background.

(d) The label shall be placed on the upper 2/3 of the vertical surface on each side of the dispenser with gallonage and price meters.