

## SUPPLEMENTAL GUIDANCE I – RETAIL-LEVEL EXPECTATIONS

Control Periods	Labels <sup>1</sup> Anticipated on Bills of Lading	Delivered Fuel Specifications
04/01/03 – 05/31/03	EPA-CONV <sup>2</sup> GA-LS-Q GA-LS-Q/RVP	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Applicable EPA specs transitioning to 90 ppm pool avg. Sulfur – Per gallon cap 200 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Quarterly 90 ppm pool avg. Sulfur – Per gallon cap 200 ppm</p>
06/01/03 – 09/15/03	GA-LS-Q/RVP	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs Sulfur – Quarterly 90 ppm pool avg. transitioning to Annual 30 ppm pool avg. Sulfur – Per gallon cap 200 ppm transitioning to 150 ppm</p> <p><b>Annual Control Period</b> - fuel specs vary from <u>annual</u> “shipping date” control to <u>seasonal</u> “consumption date” control:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Annual 30 ppm pool avg. Sulfur – Per gallon cap 150 ppm transitioning to 80 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Annual 30 ppm avg. Sulfur – Per gallon cap 80 ppm</p>
09/16/03 – 12/31/03	GA-LS-Q <sup>2</sup> GA-LS-A	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs Sulfur – Quarterly 90 ppm pool avg. transitioning to Annual 30 ppm pool avg. Sulfur – Per gallon cap 200 ppm transitioning to 150 ppm</p> <p><b>Annual Control Period</b> - fuel specs vary from <u>annual</u> “shipping date” control to <u>seasonal</u> “consumption date” control:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Annual 30 ppm pool avg. Sulfur – Per gallon cap 150 ppm transitioning to 80 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Annual 30 ppm avg. Sulfur – Per gallon cap 80 ppm</p>
01/01/04 – 05/31/04	GA-LS-A GA-LS-A/RVP	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs Sulfur – Quarterly 90 ppm pool avg. transitioning to Annual 30 ppm pool avg. Sulfur – Per gallon cap 200 ppm transitioning to 150 ppm</p> <p><b>Annual Control Period</b> - fuel specs vary from <u>annual</u> “shipping date” control to <u>seasonal</u> “consumption date” control:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Annual 30 ppm pool avg. Sulfur – Per gallon cap 150 ppm transitioning to 80 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Annual 30 ppm avg. Sulfur – Per gallon cap 80 ppm</p>
06/01/04 – 09/15/04	GA-LS-A/RVP	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs Sulfur – Quarterly 90 ppm pool avg. transitioning to Annual 30 ppm pool avg. Sulfur – Per gallon cap 200 ppm transitioning to 150 ppm</p> <p><b>Annual Control Period</b> - fuel specs vary from <u>annual</u> “shipping date” control to <u>seasonal</u> “consumption date” control:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Annual 30 ppm pool avg. Sulfur – Per gallon cap 150 ppm transitioning to 80 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Annual 30 ppm avg. Sulfur – Per gallon cap 80 ppm</p>
09/16/04 – 12/31/04	GA-LS-A	<p><b>Transition Period</b> - fuel specs vary dependent on <b>origin date at the refinery</b>:</p> <p>RVP – Applicable EPA specs Sulfur – Quarterly 90 ppm pool avg. transitioning to Annual 30 ppm pool avg. Sulfur – Per gallon cap 200 ppm transitioning to 150 ppm</p> <p><b>Annual Control Period</b> - fuel specs vary from <u>annual</u> “shipping date” control to <u>seasonal</u> “consumption date” control:</p> <p>RVP – Applicable EPA specs transitioning to 7.0 psi Sulfur – Annual 30 ppm pool avg. Sulfur – Per gallon cap 150 ppm transitioning to 80 ppm</p> <p><b>Seasonal Control Period</b> - seasonal fuel specs are:</p> <p>RVP – 7.0 psi Sulfur – Annual 30 ppm avg. Sulfur – Per gallon cap 80 ppm</p>

<sup>1</sup>See Product Labeling, page 2 of the May 2, 2003 Gasoline Marketing Rule Guidance Memo.

<sup>2</sup>Existing supply shipped from refinery prior to control period (After **May 31, 2003**, this EPA-CONV label indicates product which **DOES NOT COMPLY with specifications for the 45-county Atlanta fuel control area**).

**SUPPLEMENTAL GUIDANCE II – IMPORTER VIOLATIONS**  
**DETERMINED AT THE REFINERY GATE**

<b>Importer Violations</b>	<b>Reporting</b>	<b>RVP Violation</b>	<b>Sulfur Violation (per gallon cap)</b>	<b>Sulfur Violation Quarterly &amp; Annual Average</b>
<b>Violation</b>	<b>Delinquent Reporting</b> Initial Report Quarterly Report Annual Report <sup>1</sup> <b>\$1,000-\$5,000</b>	Base penalty of up to <b>\$25,000 per day</b> plus a calculated penalty for excess emissions <sup>2</sup>	Base penalty of up to <b>\$25,000 per day</b> plus a calculated penalty for excess emissions <sup>2</sup>	Base penalty of up to <b>\$25,000 per day</b> plus a calculated penalty for excess emissions <sup>2</sup>
<b>Adjustment Factors</b>				
<b>History of Noncompliance</b>	Total penalty adjusted as follows: 1 past violation add 10%; 2 past violations add 20%; 3 past violations or more add 30%			
<b>Intentional Violations</b>	Will incur <b>maximum</b> penalty – no penalty reductions allowed			
<b>Cooperation Factor</b>	Total penalty adjusted as follows: - or + 30%			
<b>Occurring in Nonattainment Counties</b>	For violations occurring within the 13-county nonattainment area add 50%			
<b>Violation of Prior Consent Orders</b>	Up to 10 times the original penalty			
<b>Expedited Agreement and Action</b>	Expeditious corrective measures taken: subtract up to 30% if 1 <sup>st</sup> violation, and no more than 15% if 2 <sup>nd</sup> violation			
<b>Economic Benefit/Ability to Pay/Special Basis</b>	This analysis and/or adjustment will be handled on a case-by-case basis			
<b>Administrative Orders</b>	If a negotiation does not result in a Consent Order in a reasonable period, EPD may elect to issue an Administrative Order			

<sup>1</sup> Annual Report is also required from pipeline operators

<sup>2</sup> See current Gasoline Marketing Penalty Policy Pages 1-3

## SUPPLEMENTAL GUIDANCE III – RETAIL/TRANSPORT/TERMINAL VIOLATIONS

Retail/Transport/Terminal Violations	Bill of Lading <sup>1</sup>	RVP Violation	Sulfur Violation (per gallon cap)
<b>Violation</b>	Base penalty of <b>up to \$25,000</b> per day For product Not properly labeled	Base penalty of <b>up to \$25,000</b> per day plus a calculated penalty for excess emissions  * Under 8,800 gal. - <b>\$50 - \$275<sup>2</sup></b> * Over 8,800 gal. - Penalty determined by multiplying the total excess emissions for the volume in question by \$100 per ton <sup>3</sup>	Base penalty of <b>up to \$25,000</b> per day plus a calculated penalty for excess emissions  Penalty determined by multiplying the total excess emissions for the volume in question by \$100 per ton <sup>3</sup>
<b>Adjustment Factors</b>			
<b>History of Noncompliance</b>	Total penalty adjusted as follows: 1 past violation add 10%; 2 past violations add 20%; 3 past violations or more add 30%		
<b>Intentional Violations</b>	Will incur <b>maximum</b> penalty – no penalty reductions allowed		
<b>Cooperation Factor</b>	Total penalty adjusted as follows: - or + 30%		
<b>Occurring in Nonattainment Counties</b>	For violations occurring within the 13-county nonattainment area add 50%		
<b>Violation of Prior Consent Orders</b>	Up to 10 times the original penalty		
<b>Expedited Agreement and Action</b>	Expeditious corrective measures taken: Subtract up to 30% if 1 <sup>st</sup> violation, and no more than 15% if 2 <sup>nd</sup> offense		
<b>Economic Benefit/Ability to Pay/Special Basis</b>	This analysis and/or adjustment will be handled on a case-by-case basis		
<b>Administrative Orders</b>	If a negotiation does not result in a Consent Order in a reasonable period, EPD may elect to issue an Administrative Order		

<sup>1</sup> See Supplemental Guidance I- Retail-Level Expectations

<sup>2</sup> See RVP Penalty Look-up Table

<sup>3</sup> See current Gasoline Marketing Penalty Policy pages 1-3