

3745-72-04 **Transfer documentation and recordkeeping.**

Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-72-02 of the Administrative Code titled "Incorporation by reference."

- (A) Each time that the physical custody or title of low R.V.P. gasoline changes hands (excluding when gasoline is sold or dispensed for use in motor vehicles at a retail outlet or wholesale purchaser-consumer facility), the transferor shall provide to the transferee, on or in addition to normal bills of lading, invoices, and the like, a document containing information regarding that shipment. This document shall accompany every shipment of gasoline after it has been dispensed or sold. The document shall contain, at a minimum, the following information:
 - (1) The date of transfer.
 - (2) The volume of the gasoline being transferred.
 - (3) If the gasoline is ethanol blended, the percentage by volume of ethanol in the gasoline.
 - (4) The location of the gasoline at the time of the transfer.
 - (5) A statement certifying that the gasoline has an R.V.P. of 7.8 P.S.I. or less, except as provided in rule 3745-72-07 of the Administrative Code.
- (B) No person in the gasoline distribution network may sell, dispense or transfer low R.V.P. gasoline intended for use in a low R.V.P. control area without transfer documents that accurately contain the information listed in paragraph (A) of this rule.
- (C) A terminal operator who sells or dispenses gasoline intended for use in a low R.V.P. control area during the low R.V.P. control period may not accept gasoline into the terminal or dispense gasoline unless all of the following requirements are met:
 - (1) Transfer documentation that accompanies the low R.V.P. gasoline contains the information listed in paragraph (A) of this rule.
 - (2) The terminal owner or operator conducts a quality assurance program including, but not limited to, periodic product sampling and testing in accordance with 40 CFR 80.8 and rule 3745-72-08 of the Administrative Code.
 - (3) Low R.V.P. gasoline is segregated from conventional gasoline.

- (4) Clearly marked documents accompany the conventional gasoline labeling it as "conventional gasoline, not for sale to the ultimate consumer in a low R.V.P. control area."
- (D) During the low R.V.P. control period, no refiner, importer, ethanol blender, carrier, distributor, reseller, or person may sell, offer for sale, dispense, supply or offer for supply gasoline for use in a low R.V.P. control area that is represented as low R.V.P. gasoline if the gasoline does not meet the definition of low R.V.P. gasoline and is not accompanied by the statement required in paragraph (A)(5) of this rule.
 - (E) Low R.V.P. control area terminal operators shall maintain records on low R.V.P. gasoline containing all of the following information:
 - (1) The volume of each shipment or truckload of gasoline leaving the terminal.
 - (2) If the fuel is blended with ethanol, the type and percentage by volume of ethanol used in each shipment or truckload of gasoline leaving the terminal.
 - (3) The volume, name and address of the owner of every shipment of gasoline leaving the terminal and a statement indicating that the gasoline has an R.V.P. of 7.8 P.S.I. or less.
 - (4) The destination of each tank truck sale or batch of gasoline.
 - (5) The date of the sale or transfer of every shipment of gasoline leaving the terminal.
 - (6) The results of any tests for R.V.P. of the gasoline sold or transferred and who performed the tests.
 - (F) Each retailer and each wholesale purchaser-consumer within a low R.V.P. control area shall maintain all of the following records:
 - (1) The name and address of the person from whom each shipment of gasoline was purchased, and the date on which each shipment was received.
 - (2) A statement indicating that the gasoline has an R.V.P. of 7.8 P.S.I. or less.
 - (G) Each person in the gasoline distribution network shall maintain records containing compliance information as required in this rule. These records shall be retained by the regulated parties for at least two years from the date of creation or receipt of the records and shall be kept on site for a minimum of ninety days. For the remainder of the retention period, the records may be kept at a centralized location within the state of Ohio.

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Certification

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