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# 40 C.F.R. § 1090.1450

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## National sampling and testing oversight program.

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(a) *Program participation.* (1) Except for a gasoline manufacturer that has an approved in-line blending waiver under § 1090.1315 that covers all gasoline produced at their facility, a gasoline manufacturer that elects to account for oxygenate added downstream under § 1090.710 must participate in the national sampling and testing oversight program (NSTOP) in this section.

(2) Other gasoline manufacturers may elect to participate in the NSTOP for purposes of establishing an affirmative defense to a violation under § 1090.1720. A gasoline manufacturer that has an approved in-line blending waiver under § 1090.1315 does not need to participate in the NSTOP in order to establish an affirmative defense to a violation under § 1090.1720.

(3) A gasoline manufacturer that elects to participate in the NSTOP must test, or arrange to be tested, samples collected from their gasoline manufacturing facilities as specified in paragraph (c)(2) of this section and report results to the independent surveyor within 10 business days of the date that the sample was collected.

(b) *Program requirements.* The NSTOP must meet all the following requirements:

(1) The NSTOP must be planned and conducted by an independent surveyor that meets the independence requirements in § 1090.55 and the requirements of paragraph (c) of this section.

(2) The NSTOP must be conducted at each gasoline manufacturing facility from all participating gasoline manufacturers.

(c) *Independent surveyor requirements.* The independent surveyor conducting the NSTOP must meet all the following requirements:

(1) Submit a proposed NSTOP plan that meets the requirements of paragraph (d) of this section to EPA for approval each calendar year.

(2)

(i) Obtain at least one sample representing summer gasoline and one sample representing winter gasoline for each participating gasoline manufacturing facility. If the fuel manufacturer only produces fuel during either the summer or winter season, obtain at least one sample during the season that the fuel manufacturer produces fuel.

(ii)

(A) Observe the gasoline manufacturer collect at least one sample representing each gasoline required under paragraph (c)(2)(i) of this section for each participating gasoline manufacturing facility and evaluate whether the gasoline manufacturer collected representative sample(s) in accordance with applicable sampling procedures specified in § 1090.1335. Immediately notify EPA and the gasoline manufacturer if the applicable sampling procedures are not followed.

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