

(7) In the case of any gasoline classified as previously certified gasoline under the terms of § 80.65(i):

(i) Results of the tests to determine the properties and volume of the previously certified gasoline when received at the refinery; and

(ii) Records that reflect the storage and movement of the previously certified gasoline within the refinery to the point the previously certified gasoline is used to produce reformulated gasoline or RBOB.

(c) *Refiners, importers and oxygenate blenders of averaged gasoline.* In addition to other requirements of this section, any refiner, importer, and oxygenate blender who produces or imports any reformulated gasoline for which compliance with one or more applicable standard is determined on average shall maintain records containing the following information:

(1) The calculations used to determine compliance with the relevant standards on average, for each averaging period and for each quantity of gasoline for which standards must be separately achieved; and

(2) For any credits bought, sold, traded or transferred pursuant to § 80.67(h), the dates of the transactions, the names and EPA registration numbers of the parties involved, and the number(s) and type(s) of credits transferred.

(d) *Oxygenate blenders.* In addition to other requirements of this section, any oxygenate blender who blends any oxygenate with any RBOB shall, for each occasion such terminal storage tank blending occurs, maintain records containing the following information:

(i) The date, time, location, and identification of the blending tank or truck in which the blending occurred;

(ii) The volume and oxygenate requirements of the RBOB to which oxygenate was added; and

(iii) The volume, type, and purity of the oxygenate which was added, and documents which show the source(s) of the oxygenate used.

(e) *Distributors who dispense RBOB into trucks.* In addition to other requirements of this section, any distributor who dispenses any RBOB into a truck used for delivering gasoline to retail outlets shall, for each occasion

RBOB is dispensed into such a truck, obtain records identifying:

(1) The name and EPA registration number of the oxygenate blender that received the RBOB; and

(2) The volume and oxygenate requirements of the RBOB dispensed.

(f) *Conventional gasoline requirement.* In addition to other requirements of this section, any refiner and importer shall, for all conventional gasoline produced or imported, maintain records showing the blending of the marker required under § 80.82 into conventional gasoline, and the results of the tests showing the concentration of this marker subsequent to its addition.

(g) *Retailers before January 1, 1998.* Prior to January 1, 1998 any retailer that sells or offers for sale any reformulated gasoline shall maintain at each retail outlet the product transfer documentation for the most recent three deliveries to the retail outlet of each grade of reformulated gasoline sold or offered for sale at the retail outlet, and shall make such documentation available to any person conducting any gasoline compliance survey pursuant to § 80.68.

[59 FR 7813, Feb. 16, 1994, as amended at 66 FR 67106, Dec. 28, 2001]

§ 80.75 Reporting requirements.

Any refiner, importer, and oxygenate blender shall report as specified in this section, and shall report such other information as the Administrator may require.

(a) *Quarterly reports for reformulated gasoline.* Any refiner or importer that produces or imports any reformulated gasoline or RBOB, and any oxygenate blender that produces reformulated gasoline meeting the oxygen standard on average, shall submit quarterly reports to the Administrator for each refinery or oxygenate blending facility at which such reformulated gasoline or RBOB was produced and for all such reformulated gasoline or RBOB imported by each importer.

(1) The quarterly reports shall be for all such reformulated gasoline or RBOB produced or imported during the following time periods:

(i) The first quarterly report shall include information for reformulated gasoline or RBOB produced or imported

§ 80.75

40 CFR Ch. I (7-1-03 Edition)

from January 1 through March 31, and shall be submitted by May 31 of each year beginning in 1995;

(ii) The second quarterly report shall include information for reformulated gasoline or RBOB produced or imported from April 1 through June 30, and shall be submitted by August 31 of each year beginning in 1995;

(iii) The third quarterly report shall include information for reformulated gasoline or RBOB produced or imported from July 1 through September 30, and shall be submitted by November 30 of each year beginning in 1995; and

(iv) The fourth quarterly report shall include information for reformulated gasoline or RBOB produced or imported from October 1 through December 31, and shall be submitted by the last day of February of each year beginning in 1996.

(2) The following information shall be included in each quarterly report for each batch of reformulated gasoline or RBOB which is included under paragraph (a)(1) of this section:

- (i) The batch number;
- (ii) The date of production;
- (iii) The volume of the batch;
- (iv) The grade of gasoline produced (i.e., premium, mid-grade, or regular);
- (v) For any refiner or importer:

(A) Each designation of the gasoline, pursuant to § 80.65; and

(B) The properties, pursuant to §§ 80.65 and 80.66;

(vi) For any importer, the PADD in which the import facility is located;

(vii) For any oxygenate blender, the oxygen content; and

(viii) In the case of any previously certified gasoline used in a refinery operation under the terms of § 80.65(i), the following information relative to the previously certified gasoline when received at the refinery:

(A) Identification of the previously certified gasoline as such;

(B) The batch number assigned by the receiving refinery;

(C) The date of receipt; and

(D) The volume, properties and designation of the batch.

(3) Information pertaining to gasoline produced or imported during 1994 shall be included in the first quarterly report in 1995.

(b) *Reports for gasoline or RBOB produced or imported under the simple model—(1) RVP averaging reports.* (i)

Any refiner or importer that produced or imported any reformulated gasoline or RBOB under the simple model that was to meet RVP standards on average (“averaged reformulated gasoline”) shall submit to the Administrator, with the third quarterly report, a report for each refinery or importer for such averaged reformulated gasoline or RBOB produced or imported during the previous RVP averaging period. This information shall be reported separately for the following categories:

(A) Gasoline or RBOB which is designated as VOC-controlled intended for areas in VOC-Control Region 1; and

(B) Gasoline or RBOB which is designated as VOC-controlled intended for VOC-Control Region 2.

(ii) The following information shall be reported:

(A) The total volume of averaged reformulated gasoline or RBOB in gallons;

(B) The compliance total value for RVP; and

(C) The actual total value for RVP.

(2) *Sulfur, olefins and T90 averaging reports.* (i) Any refiner or importer that produced or imported any reformulated gasoline or RBOB under the simple model shall submit to the Administrator, with the fourth quarterly report, a report for such reformulated gasoline or RBOB produced or imported during the previous year:

(A) For each refinery or importer; or

(B) In the case of refiners who operate more than one refinery, for each grouping of refineries as designated by the refiner pursuant to § 80.41(h)(2)(iii).

(ii) The following information shall be reported:

(A) The total volume of reformulated gasoline or RBOB in gallons;

(B) The applicable sulfur content standard under § 80.41(h)(2)(i) in parts per million;

(C) The average sulfur content in parts per million;

(D) The difference between the applicable sulfur content standard under § 80.41(h)(2)(i) in parts per million and the average sulfur content under paragraph (b)(2)(ii)(C) of this section in parts per million, indicating whether

Environmental Protection Agency

§ 80.75

the average is greater or lesser than the applicable standard;

(E) The applicable olefin content standard under §80.41(h)(2)(i) in volume percent;

(F) The average olefin content in volume percent;

(G) The difference between the applicable olefin content standard under §80.41(h)(2)(i) in volume percent and the average olefin content under paragraph (b)(2)(ii)(F) of this section in volume percent, indicating whether the average is greater or lesser than the applicable standard;

(H) The applicable T90 distillation point standard under §80.41(h)(2)(i) in degrees Fahrenheit;

(I) The average T90 distillation point in degrees Fahrenheit; and

(J) The difference between the applicable T90 distillation point standard under §80.41(h)(2)(i) in degrees Fahrenheit and the average T90 distillation point under paragraph (b)(2)(ii)(I) of this section in degrees Fahrenheit, indicating whether the average is greater or lesser than the applicable standard.

(c) *VOC emissions performance averaging reports.* (1) Any refiner or importer that produced or imported any reformulated gasoline or RBOB under the complex model that was to meet the VOC emissions performance standards on average ("averaged reformulated gasoline") shall submit to the Administrator, with the third quarterly report, a report for each refinery or importer for such averaged reformulated gasoline produced or imported during the previous VOC averaging period. This information shall be reported separately for the following categories:

(i) Gasoline or RBOB which is designated as VOC-controlled intended for areas in VOC-Control Region 1; and

(ii) Gasoline or RBOB which is designated as VOC-controlled intended for VOC-Control Region 2.

(2) The following information shall be reported:

(i) The total volume of averaged reformulated gasoline or RBOB in gallons;

(ii) The compliance total value for VOC emissions performance; and

(iii) The actual total value for VOC emissions performance.

(d) *Benzene content averaging reports.*

(1) Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the benzene content standards on average ("averaged reformulated gasoline") shall submit to the Administrator, with the fourth quarterly report, a report for each refinery or importer for such averaged reformulated gasoline that was produced or imported during the previous toxics averaging period.

(2) The following information shall be reported:

(i) The volume of averaged reformulated gasoline or RBOB in gallons;

(ii) The compliance total content of benzene;

(iii) The actual total content of benzene;

(iv) The number of benzene credits generated as a result of actual total benzene being less than compliance total benzene;

(v) The number of benzene credits required as a result of actual total benzene being greater than compliance total benzene;

(vi) The number of benzene credits transferred to another refinery or importer; and

(vii) The number of benzene credits obtained from another refinery or importer.

(e) *Toxics emissions performance averaging reports.* (1) Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the toxics emissions performance standards on average ("averaged reformulated gasoline") shall submit to the Administrator, with the fourth quarterly report, a report for each refinery or importer for such averaged reformulated gasoline that was produced or imported during the previous toxics averaging period.

(2) The following information shall be reported:

(i) The volume of averaged reformulated gasoline or RBOB in gallons;

(ii) The compliance value for toxics emissions performance; and

(iii) The actual value for toxics emissions performance.

(f) *Oxygen averaging reports.* (1) Any refiner, importer, or oxygenate blender that produced or imported any reformulated gasoline that was to meet the

§ 80.75

40 CFR Ch. I (7-1-03 Edition)

oxygen standards on average (“averaged reformulated gasoline”) shall submit to the Administrator, with the fourth quarterly report, a report for each refinery and oxygenate blending facility at which such averaged reformulated gasoline was produced and for all such averaged reformulated gasoline imported by each importer during the previous oxygen averaging period.

(2)(i) The following information shall be included in each report required by paragraph (f)(1) of this section:

(A) The total volume of averaged RBOB in gallons;

(B) The total volume of averaged reformulated gasoline in gallons;

(C) The compliance total content for oxygen;

(D) The actual total content for oxygen;

(E) The number of oxygen credits generated as a result of actual total oxygen being greater than compliance total oxygen;

(F) The number of oxygen credits required as a result of actual total oxygen being less than compliance total oxygen;

(G) The number of oxygen credits transferred to another refinery, importer, or oxygenate blending facility; and

(H) The number of oxygen credits obtained from another refinery, importer, or oxygenate blending facility.

(ii) The information required by paragraph (f)(2)(i) of this section shall be reported separately for the following categories:

(A) For gasoline subject to the simple model standards:

(1) Gasoline designated as VOC-controlled; and;

(2) Gasoline designated as non-VOC-controlled.

(B) For gasoline subject to the Phase I or Phase II complex model standards:

(1) Gasoline which is designated as OPRG; and

(2) Gasoline which is designated as non-OPRG.

(iii) The results of the compliance calculations required in §80.67(f) shall also be included in each report required by paragraph (f)(1) of this section, for each of the following categories:

(A) All reformulated gasoline;

(B) Gasoline which is designated as non-OPRG; and

(C) For gasoline subject to the simple model standards, gasoline which is designated as VOC-controlled.

(g) *NO_x emissions performance averaging reports.* (1) Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the NO_x emissions performance standard on average (“averaged reformulated gasoline”) shall submit to the Administrator, with the fourth quarterly report, a report for each refinery or importer for such averaged reformulated gasoline that was produced or imported during the previous NO_x averaging period.

(2) The following information shall be reported:

(i) The volume of averaged reformulated gasoline or RBOB in gallons;

(ii) The compliance value for NO_x emissions performance; and

(iii) The actual value for NO_x emissions performance.

(3) The information required by paragraph (g)(2) of this section shall be reported separately for the following categories:

(i) Gasoline and RBOB which is designated as VOC-controlled; and

(ii) Gasoline and RBOB which is not designated as VOC-controlled.

(h) *Credit transfer reports.* (1) As an additional part of the fourth quarterly report required by this section, any refiner, importer, and oxygenate blender shall, for each refinery, importer, or oxygenate blending facility, supply the following information for any oxygen or benzene credits that are transferred from or to another refinery, importer, or oxygenate blending facility:

(i) The names, EPA-assigned registration numbers and facility identification numbers of the transferor and transferee of the credits;

(ii) The number(s) and type(s) of credits that were transferred; and

(iii) The date(s) of transaction(s).

(2) For purposes of this paragraph (h), oxygen credit transfers shall be reported separately for each of the following oxygen credit types:

(i) For gasoline subject to the simple model standards:

(A) VOC controlled; and

(B) Non-VOC controlled.

(ii) [Reserved]

(i) *Covered areas of gasoline use report.* Any refiner or oxygenate blender that produced or imported any reformulated gasoline that was to meet any reformulated gasoline standard on average ("averaged reformulated gasoline") shall, for each refinery and oxygenate blending facility at which such averaged reformulated gasoline was produced submit to the Administrator, with the fourth quarterly report, a report that contains the identity of each covered area that was supplied with any averaged reformulated gasoline produced at each refinery or blended by each oxygenate blender during the previous year.

(j) *Additional reporting requirements for certain importers.* In the case of any importer to whom different standards apply for gasoline imported at different facilities by operation of § 80.41(q)(2), such importer shall submit separate reports for gasoline imported into facilities subject to different standards.

(k) *Reporting requirements for early use of the complex model.* Any refiner for any refinery, or any importer, that elects to be subject to complex model standards under § 80.41(i)(1) shall report such election in writing to the Administrator no later than sixty days prior to the beginning of the calendar year during which such standards would apply. This report shall include the refinery's or importer's baseline values for VOC, NO_x, and toxics emissions performance, in milligrams per mile.

(l) *Reports for per-gallon compliance gasoline.* In the case of reformulated gasoline or RBOB for which compliance with each of the standards set forth in § 80.41 is achieved on a per-gallon basis, the refiner, importer, or oxygenate blender shall submit to the Administrator, by the last day of February of each year beginning in 1996, a report of the volume of each designated reformulated gasoline or RBOB produced or imported during the previous calendar year for which compliance is achieved on a per-gallon basis, and a statement that each gallon of this reformulated gasoline or RBOB met the applicable standards.

(m) *Reports of compliance audits.* Any refiner, importer, and oxygenate blender shall cause to be submitted to the

Administrator, by May 31 of each year, the report of the compliance audit required by § 80.65(h).

(n) *Report submission.* The reports required by this section shall be:

(1) Submitted on forms and following procedures specified by the Administrator; and

(2) Signed and certified as correct by the owner or a responsible corporate officer of the refiner, importer, or oxygenate blender.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36964, July 20, 1994; 60 FR 65574, Dec. 20, 1995; 62 FR 60135, Nov. 6, 1997; 66 FR 67106, Dec. 28, 2001]

§ 80.76 Registration of refiners, importers or oxygenate blenders.

(a) Registration with the Administrator of EPA is required for any refiner and importer, and any oxygenate blender that produces any reformulated gasoline.

(b) Any person required to register shall do so by November 1, 1994, or not later than three months in advance of the first date that such person will produce or import reformulated gasoline or RBOB, or conventional gasoline or applicable blendstocks, whichever is later.

(c) Registration shall be on forms prescribed by the Administrator, and shall include the following information:

(1) The name, business address, contact name, and telephone number of the refiner, importer, or oxygenate blender;

(2) For each separate refinery and oxygenate blending facility, the facility name, physical location, contact name, telephone number, and type of facility; and

(3) For each separate refinery and oxygenate blending facility, and for each importer's operations in a single PADD:

(i) Whether records are kept on-site or off-site of the refinery or oxygenate blending facility, or in the case of importers, the registered address;

(ii) If records are kept off-site, the primary off-site storage facility name, physical location, contact name, and telephone number; and