

Environmental Protection Agency

§ 80.1025

(2) Include in its conventional gasoline report per § 80.105 the compliance baseline and incremental volume, V_{inc} , for its conventional gasoline per § 80.850.

(3) Exclude Certified Toxics-FRGAS under § 80.1030, if an importer.

(b) *Additional reporting requirements for importers.* Any importer shall report the following information for Toxics-FRGAS imported during the averaging period:

(1) The EPA refiner and refinery registration numbers of each foreign refiner and refinery where the Certified Toxics-FRGAS was produced; and

(2) The total gallons of Certified Toxics-FRGAS and Non-Certified Toxics-FRGAS imported from each foreign refiner and refinery.

EXEMPTIONS

§ 80.995 What if a refiner or importer is unable to produce gasoline conforming to the requirements of this subpart?

In appropriate extreme and unusual circumstances (e.g., natural disaster or Act of God) which are clearly outside the control of the refiner or importer and which could not have been avoided by the exercise of prudence, diligence, and due care, EPA may permit a refiner or importer, for a brief period, to not meet the requirements of this subpart, separately for reformulated gasoline (and RBOB, combined) and conventional gasoline, provided the refiner or importer meets all the criteria, requirements and conditions contained in § 80.73 (a) through (e).

§ 80.1000 What are the requirements for obtaining an exemption for gasoline used for research, development or testing purposes?

Gasoline used for research, development or testing purposes is exempt from the requirements of this subpart if it is exempted for these purposes under the reformulated and conventional gasoline programs, as applicable.

VIOLATION PROVISIONS

§ 80.1005 What acts are prohibited under the gasoline toxics program?

No person shall:

(a) *Averaging violation.* Produce or import gasoline subject to this subpart that does not comply with the applicable toxics requirement under § 80.815.

(b) *Causing an averaging use violation.* Cause another person to commit an act in violation of paragraph (a) of this section.

§ 80.1010 [Reserved]

§ 80.1015 Who is liable for violations under the gasoline toxics program?

(a) *Persons liable for violations of prohibited acts—*(1) *Averaging violation.* Any person who violates § 80.1005(a) is liable for the violation.

(2) *Causing an averaging violation.* Any person who causes another party to violate § 80.1005(a), is liable for a violation of § 80.1005(b).

(3) *Parent corporation liability.* Any parent corporation is liable for any violations of this subpart that are committed by any of its wholly-owned subsidiaries.

(b) *Persons liable for failure to meet other provisions of this subpart.* (1) Any person who fails to meet a provision of this subpart not addressed in paragraph (a) of this section is liable for a violation of that provision.

(2) Any person who causes another party to fail to meet a requirement of this subpart not addressed in paragraph (a) of this section, is liable for causing a violation of that provision.

§ 80.1020 [Reserved]

§ 80.1025 What penalties apply under this subpart?

(a) Any person liable for a violation under § 80.1015 is subject to civil penalties as specified in sections 205 and 211(d) of the Clean Air Act for every day of each such violation and the amount of economic benefit or savings resulting from each violation.

(b) Any person liable under § 80.1015(a) for a violation of the applicable toxics requirements or causing another party to violate the requirements during any averaging period, is subject to a separate day of violation for each and every day in the averaging period.

(c) Any person liable under § 80.1015(b) for failure to meet, or causing a failure to meet, a provision of this subpart is