

Environmental Protection Agency

§ 80.915

(i) Batch number assigned to the batch under § 80.65(d) or § 80.101(i);

(ii) Volume; and

(iii) Applicable toxics value determined as specified at § 80.915(c).

(d) Foreign refiners shall follow the procedures specified in § 80.1030(b) to establish individual toxics baseline values for a foreign refinery.

(e) By October 31, 2001, or 4 months after the submission date, whichever is later, EPA will notify the submitter of approval of its toxics baseline.

(f) If at any time the baseline submitted in accordance with the requirements of this section is determined to be incorrect, the corrected baseline applies ab initio and the annual average toxics requirements are deemed to be those applicable under the corrected information.

§ 80.915 How are the baseline toxics value and baseline toxics volume determined?

(a)(1) A refinery or importer shall use the methodology specified in this section for determining a baseline toxics value if it can determine an applicable toxics value for every batch of gasoline produced or imported for 12 or more consecutive months during January 1, 1998 through December 31, 2000.

(2) The determination in paragraph (a)(1) of this section is made separately for each type of gasoline listed at § 80.815(b) produced or imported between January 1, 1998 and December 31, 2000, inclusive.

(3) All consecutive and non-consecutive batch toxics measurements between January 1, 1998 and December 31, 2000, inclusive, are to be included in the baseline determination, unless the refinery or importer petitions EPA to exclude such data on the basis of data quality, per § 80.91(d)(6), and receives permission from EPA to exclude such data.

(b)(1) A refinery's or importer's baseline toxics value is calculated using the following equation:

$$T_{\text{Base}} = \frac{\sum_{i=1}^n (V_i \times T_i)}{\sum_{i=1}^n V_i} + M$$

Where:

T_{Base} = Baseline toxics value.

V_i = Volume of gasoline batch i produced or imported between January 1, 1998 and December 31, 2000, inclusive.

T_i = Toxics value of gasoline batch i produced or imported between January 1, 1998 and December 31, 2000, inclusive.

i = Individual batch of gasoline produced or imported between January 1, 1998 and December 31, 2000, inclusive.

n = Total number of batches of gasoline produced or imported between January 1, 1998 and December 31, 2000, inclusive.

M = Compliance margin.

(2) A refinery's or importer's baseline toxics volume is calculated using the following equation:

$$V_{\text{base}} = \frac{\sum_{i=1}^n V_i}{Y}$$

Where:

V_{base} = Baseline toxics volume.

V_i = Volume of gasoline batch i produced or imported between January 1, 1998 and December 31, 2000, inclusive.

i = Individual batch of gasoline produced or imported between January 1, 1998 and December 31, 2000, inclusive.

n = Total number of batches of gasoline produced or imported between January 1, 1998 and December 31, 2000, inclusive.

Y = Number of years between 1998 and 2000, inclusive, during some or all of which the refinery produced, or the importer imported, gasoline.

(c) The calculation specified in paragraph (b) of this section shall be made separately for each type of gasoline listed at § 80.815(b).

(d) The toxics value, T_i , of each batch of gasoline is determined using the Phase II Complex Model specified at § 80.45.

(1) The toxics value, T_i , of each batch of reformulated gasoline or RBOB, and the baseline toxics value, T_{Base} , for reformulated gasoline and RBOB, combined, under this subpart are in percent reduction from the statutory baseline defined in 40 CFR 80.45(b) and volumes are in gallons.

(2) The toxics value, T_i , of each batch of conventional gasoline, and the baseline toxics value, T_{Base} , for conventional gasoline under this subpart are in milligrams per mile (mg/mile) and volumes are in gallons.

(e) All refinery or importer baseline toxics value calculations shall be conducted to two decimal places.

(f) Any refinery for which oxygenate blended downstream was included in compliance calculations for 1998–2000, pursuant to §80.65 or §80.101(d)(4), shall include this oxygenate in the baseline calculations for toxics value under paragraph (a) of this section.

(g) *Baseline adjustment.* (1) A toxics baseline determined differently than described in paragraphs (a) through (e) of this section may be allowed upon petition by the refiner or importer and approval by the Administrator or designee. The petition must be included with the baseline submittal under §80.910.

(2) A toxics baseline adjustment petition shall, at minimum, be accompanied by:

(i) Unadjusted and adjusted baseline fuel parameters, applicable toxics values, and volumes; and

(ii) A narrative describing how the circumstances during 1998–2000 materially affected the baseline toxics value calculated under paragraph (a) of this section. The narrative shall also describe and show the calculations, and the reasoning supporting the calculations, used to determine the adjusted values.

(h) The compliance margin, M, that will be added to the toxics baseline calculated according to paragraph (a) of this section shall be equal to:

(1) –0.7% for reformulated gasoline or RBOB;

(2) 2.5 mg/mile for conventional gasoline.

§§ 80.920–80.980 [Reserved]

RECORDKEEPING AND REPORTING REQUIREMENTS

§ 80.985 What records shall be kept?

(a) The recordkeeping requirements specified under §80.74 applicable to refiners and importers of reformulated gasoline, RBOB and/or conventional gasoline apply under this subpart, however, duplicate records are not required.

(b) *Additional records that refiners and importers shall keep.* Beginning January 1, 2002, any refiner for each of its refineries, and any importer for the gasoline

it imports, shall keep records that include the following information:

(1) The calculations used to determine the applicable compliance baseline under §80.915.

(2) The calculations used to determine compliance with the applicable toxics requirements per §80.815.

(3) A copy of all reports submitted to EPA under §80.990, however, duplicate records are not required.

(c) *Additional records importers shall keep.* Any importer shall keep records that identify and verify the source of each batch of Certified Toxics-FRGAS and Non-Certified Toxics-FRGAS imported and demonstrate compliance with the requirements for importers under §80.1030(o).

(d) *Length of time records shall be kept.* The records required in this section shall be kept for five years from the date they were created.

(e) *Make records available to EPA.* On request by EPA the records required in paragraphs (a), (b) and (c) of this section shall be provided to the Administrator's authorized representative. For records that are electronically generated or maintained the equipment and software necessary to read the records shall be made available, or upon approval by EPA, electronic records shall be converted to paper documents which shall be provided to the Administrator's authorized representative.

§ 80.990 What are the toxics reporting requirements?

Beginning with the 2002 averaging period, and continuing for each averaging period thereafter, any refiner or importer shall submit to EPA the information required in this section, and such other information as EPA may require.

(a) *Refiner and importer annual reports.* Any refiner, for each of its refineries and/or aggregate(s) of refineries, and any importer for the gasoline it imports, shall:

(1) Include in its reformulated gasoline toxics emissions performance averaging report per §80.75(e) the compliance baseline and incremental volume, V_{inc} , for its reformulated gasoline and RBOB, combined, per §80.850.