

(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.