

Environmental Protection Agency

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five years or less, or that ends on or before January 1, 2006. The Administrator will approve or deny the petition in writing within six months of receipt. An approval will include any conditions or requirements to which the approval is subject.

(5) *Cessation of extended alternative compliance period.* (i) Refineries that qualify as small under §80.223, and that later are disqualified under §80.230(b), will be subject to the statutory anti-dumping baseline on an annual average basis beginning the calendar year immediately following the refinery's change in status.

(ii) If the Administrator finds that a refiner provided false or inaccurate information on its application for small refiner status, upon notice from the Administrator, the refiner's extended alternative compliance period will be void ab initio.

(6) *Compliance requirements for qualifying small refiners.* (i) If the refiner's application for an extended compliance period under this paragraph (l) is approved, then the refinery must comply with the statutory baseline NO_x standard, on average, for gasoline produced beginning by not later than the 19th quarter (for a six year compliance period) or by no later than the 22nd quarter (for a seven year compliance period).

(ii) The refinery must meet all other applicable requirements in paragraph (k) of this section, including the production of a net NO_x benefit under paragraph (k)(3)(ii) of this section, except that the following provisions shall apply:

(A) For any cumulative NO_x deficit remaining at the expiration of the fifth year, based on the NO_x emission performance of gasoline actually produced at the refinery, and as calculated under paragraph (k)(3)(ii) of this section, the refiner shall provide an additional NO_x benefit equal to one half ton of NO_x emissions per ton of deficit remaining by the end of the refinery's alternative anti-dumping averaging period.

(B) For any cumulative NO_x deficit remaining at the expiration of the sixth year, based on the NO_x emission performance of gasoline actually produced at the refinery, and as calculated under paragraph (k)(3)(ii) of this sec-

tion, the refiner shall provide an additional NO_x benefit equal to one ton of NO_x emissions per ton of deficit remaining by the end of the refinery's alternative anti-dumping averaging period.

(C) The additional NO_x benefits required under this paragraph (l)(6)(ii) of this section may come from the production of gasoline at the refinery that is cleaner than the statutory baseline or from the purchase and retirement of stationary source NO_x credits or allowances as provided in paragraph (k)(3)(iii) of this section.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36968, July 20, 1994; 60 FR 40008, Aug. 4, 1995; 62 FR 9884, Mar. 4, 1997; 62 FR 68207, Dec. 31, 1997; 64 FR 30910, June 9, 1999; 64 FR 37689, July 13, 1999; 65 FR 54431, Sept. 8, 2000; 66 FR 67107, Dec. 28, 2001; 67 FR 8738, Feb. 26, 2002; 68 FR 24307, May 6, 2003; 70 FR 74572, Dec. 15, 2005; 72 FR 8543, Feb. 26, 2007]

§ 80.102 [Reserved]

§ 80.103 Registration of refiners and importers.

Any refiner or importer of conventional gasoline must register with the Administrator in accordance with the provisions specified at §80.76.

§ 80.104 Recordkeeping requirements.

Any parties in the gasoline distribution network shall maintain records containing the information as required by this section.

(a) For any refiner or importer, beginning in 1995, for each averaging period:

(1) Documents containing the information specified in paragraph (a)(2) of this section shall be obtained for:

(i) Each batch of conventional gasoline; and

(ii) Each batch of blendstock received in the case of any refiner that determines compliance on the basis of blendstocks properties under §80.101(g)(3).

(2)(i) The results of tests performed in accordance with §80.101(i);

(ii) The volume of the batch;

(iii) The batch number;

(iv) The date of production, importation or receipt;

(v) The designation regarding whether the batch is summer or winter gasoline;

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(vi) The product transfer documents for any conventional gasoline produced or imported;

(vii) The product transfer documents for any conventional gasoline received;

(viii) For any gasoline blendstocks received by or transferred from a refiner or importer, documents that reflect:

(A) The identification of the product;

(B) The date the product was transferred; and

(C) The volume of product;

(ix) [Reserved]

(x) In the case of oxygenate that is added by a person other than the refiner or importer under § 80.101(d)(4)(ii)(B), documents that support the volume of oxygenate claimed by the refiner or importer, including the contract with the oxygenate blender and records relating to the audits, sampling and testing, and inspections of the oxygenate blender operation.

(xi) In the case of blendstocks that are included in refinery compliance calculations using the procedures under § 80.101(g)(3), documents that reflect the volume of blendstock and the volume of gasoline with which the blendstock is blended.

(xii) In the case of gasoline classified as previously certified gasoline under the terms of § 80.101(g)(9), the results of the tests to determine the properties and volume of the previously certified gasoline when received at the refinery and records that reflect the storage and movement of the previously certified gasoline to the point the previously certified gasoline is used to produce conventional gasoline.

(xiii) [Reserved]

(xiv) In the case of butane blended into conventional gasoline under § 80.82, documentation of:

(A) The volume of the butane added;

(B) The volume of the gasoline prior to and subsequent to the butane blending;

(C) The purity and properties of the butane under § 80.82(c) and (d), as appropriate; and

(D) Compliance with the requirements of § 80.82.

(xv) In the case of any imported GTAB, documents that reflect the physical movement of the GTAB from

the point of importation to the point of blending to produce gasoline.

(b) For all parties described in this section that produce and distribute gasoline, in the case of any interface or transmix used to produce conventional gasoline under § 80.84, records that reflect the results of any sampling and testing of conventional gasoline under § 80.84.

(1) Pipelines must keep records showing that the interface was designated in the proper manner according to the designations listed in § 80.84(b)(1).

(2) Transmix processors and transmix blenders must keep records showing that their transmix meets the definition in § 80.84(a)(2), or contains gasoline and distillate fuel only from the sources listed in § 80.84(e).

(3) Transmix processors must keep records showing the volumes of conventional gasoline recovered from transmix and the type and amount of any blendstock added, if applicable.

(4) Transmix blenders must keep records showing compliance with the quality assurance program and/or sampling and testing requirements in § 80.84(d)(2) or (d)(3) for each batch of conventional gasoline with which transmix is blended, the volume of the batch, and the volume of transmix blended into the batch.

(c) All parties in the gasoline distribution network shall retain the documents required in this section for a period of five years from the date the conventional gasoline or blendstock is produced or imported, and deliver such documents to the Administrator of EPA upon the Administrator's request.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994; 62 FR 68208, Dec. 31, 1997; 66 FR 67107, Dec. 28, 2001; 67 FR 8738, Feb. 26, 2002; 70 FR 74573, Dec. 15, 2005; 71 FR 31963, June 2, 2006]

§ 80.105 Reporting requirements.

(a) Beginning with the 1995 averaging period, and for each subsequent averaging period, any refiner for each refinery or group of refineries at which any conventional gasoline is produced, and any importer that imports any conventional gasoline, shall submit to the Administrator a report which contains the following information: