

Environmental Protection Agency

§ 80.1350

The provisions shall only apply to the type of gasoline, RFG or CG, for which early compliance was approved.

(3)(i) Each sample shall be tested in accordance with the methodology specified at §80.46(e) to determine its benzene concentration for compliance with the requirements of this subpart.

(ii) Independent sample analysis, under §80.65(f), is not required for conventional gasoline.

(4) Any refiner or importer may release CG prior to obtaining the test results for benzene required under paragraph (a)(1) of this section.

(5) *Exclusion of previously certified gasoline.*

(i) Any refiner who uses previously certified reformulated or conventional gasoline or RBOB to produce conventional gasoline at a refinery, must exclude the previously certified gasoline ("PCG") for purposes of demonstrating compliance with the benzene standards at §80.1230.

(ii) To accomplish the exclusion required in paragraph (a)(5)(i) of this section, the refiner must determine the volume and benzene content of the previously certified gasoline used at the refinery and the volume and benzene content of gasoline produced at the refinery, and use the compliance calculation procedures in paragraphs (a)(5)(iii) and (a)(5)(iv) of this section.

(iii) For each batch of previously certified gasoline that is used to produce conventional gasoline the refiner must include the volume and benzene content of the previously certified gasoline as a negative volume and a negative benzene content in the refiner's compliance calculations in accordance with the requirements at §80.1238.

(iv) For each batch of conventional gasoline produced at the refinery using previously certified gasoline, the refiner must determine the volume and benzene content and include each batch in the refinery's compliance calculations at §80.1240 without regard to the presence of previously certified gasoline in the batch.

(v) The refiner must use any previously certified gasoline that it includes as a negative batch in its compliance calculations pursuant to §80.1240 as a component in gasoline production during the annual aver-

aging period in which the previously certified gasoline was included as a negative batch in the refiner's compliance calculations.

(b) *Batch numbering.* The batch numbering convention of §80.365(b) shall apply to batches of conventional gasoline beginning with earliest applicable date specified in paragraph (a)(2) of this section.

§ 80.1348 What gasoline sample retention requirements apply to refiners and importers?

Beginning with earliest applicable date specified in §80.1347(a)(2), the gasoline sample retention requirements specified in subpart H of this part for the gasoline sulfur provisions apply for the purpose of complying with the requirements of this subpart, except that in addition to including the sulfur test result as provided by §80.335(a)(4)(ii), the refiner, importer, or independent laboratory shall also include with the retained sample the test result for benzene as conducted pursuant to §80.46(e).

RECORDKEEPING AND REPORTING REQUIREMENTS

§ 80.1350 What records must be kept?

(a) *General requirements.* The recordkeeping requirements specified in §§80.74 and 80.104, as applicable, apply for the purpose of complying with the requirements of this subpart; however, duplicate records are not required.

(b) *Additional records that refiners and importers shall keep.* (1) Beginning with earliest applicable date specified in §80.1347(a)(2), any refiner for each of its refineries, and any importer for the gasoline it imports, shall keep records that include the following information, as applicable:

(i) Its compliance benzene value per §80.1240, and the calculations used to obtain that value.

(ii) Its benzene baseline value, per §80.1280, if the refinery or importer submitted a benzene baseline application to EPA per §80.1285.

(iii) The number of early benzene credits generated under §80.1275, separately by year of generation.

(iv) The number of early benzene credits obtained, separately by generating refinery and year of generation.

(v) The number of valid credits in possession of the refinery or importer at the beginning of each averaging period, separately by generating facility and year of generation.

(vi) The number of standard credits generated by the refinery or importer under § 80.1290, separately by transferor (if applicable), by facility and by year of generation.

(vii) The number of credits used, separately by generating facility and year of generation.

(viii) If any credits were obtained from, or transferred to, other parties, for each other party, its name, its EPA refinery or importer registration number, and the number of credits obtained from, or transferred to, the other party, and the price per credit.

(ix) The number of credits that expired at the end of each averaging period, separately by generating facility and year of generation.

(x) The number of credits that will be carried over into a subsequent averaging period, separately by generating facility and year of generation.

(xi) Contracts or other commercial documents that establish each transfer of credits from the transferor to the transferee.

(xii) A copy of all reports submitted to EPA under §§ 80.1352 and 80.1354; however, duplicate records are not required.

(2)(i) Beginning July 1, 2012, any refiner for each of its refineries, and any importer for the gasoline it imports, shall include, in the records required by paragraph (b)(1) of this section, its maximum average benzene value for the period July 1, 2012 through December 31, 2013, and for each annual compliance period thereafter.

(ii) Notwithstanding the requirements specified in paragraph (b)(2)(i) of this section, beginning July 1, 2016, a small refiner approved under § 80.1340, for each of its refineries, shall include, in the records required by paragraph (b)(1) of this section, its maximum average benzene value for the period July 1, 2016 through December 31, 2017, and for each annual compliance period thereafter.

(3) Records of all supporting calculations pursuant to paragraphs (b)(1) or (b)(2) of this section shall also be kept.

(c) *Length of time records shall be kept.* Records required in this section shall be kept for five years from the date they were created, except that records relating to credit transfers shall be kept by the transferor for five years from the date the credits were transferred, and shall be kept by the transferee for five years from the date the credits were transferred, used or terminated, whichever is later.

(d) *Make records available to EPA.* On request by EPA, the records specified in this section shall be provided to the Administrator. 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.

§ 80.1352 What are the pre-compliance reporting requirements for the gasoline benzene program?

(a) Except as provided in paragraph (c) of this section, a refiner for each of its refineries shall submit the following information, as applicable, to EPA by June 1, 2008 and annually thereafter through June 1, 2011, or through June 1, 2015 for small refiners approved under § 80.1340:

(1) Changes to the information submitted in the company's registration;

(2) Changes to the information submitted for any refinery or import facility registration;

(3) *Gasoline production.*

(i) An estimate of the average daily volume (in gallons) of gasoline produced at each refinery. This estimate shall include RFG, RBOB, conventional gasoline and conventional gasoline blendstock that becomes finished gasoline solely upon the addition of oxygenate but shall exclude gasoline exempted pursuant to § 80.1235.

(ii) The volume estimates specified in paragraph (a)(3)(i) of this section must be provided for the periods of June 1, 2007 through December 31, 2007, and calendar years 2008 through 2015.

(4) *Benzene concentration.* An estimate of the average gasoline benzene concentration corresponding to the time periods specified in paragraph (a)(3)(ii) of this section.