

## Environmental Protection Agency

## § 80.815

read and understand the information being certified or submitted, and this information is true, complete and correct to the best of my knowledge and belief after I have taken reasonable and appropriate steps to verify the accuracy thereof.

I affirm that I have read and understand the provisions of 40 CFR part 80, subpart I, including 40 CFR 80.620 apply to [insert name of foreign refiner]. Pursuant to Clean Air Act section 113(c) and 18 U.S.C. 1001, the penalty for furnishing false, incomplete or misleading information in this certification or submission is a fine of up to \$10,000 U.S., and/or imprisonment for up to five years.

[66 FR 5136, Jan. 18, 2001, as amended at 69 FR 39208, June 29, 2004]

### Subpart J—Gasoline Toxics

#### GENERAL INFORMATION

SOURCE: 66 FR 17263, Mar. 29, 2001, unless otherwise noted.

#### §§ 80.800–80.805 [Reserved]

#### § 80.810 Who shall register with EPA under the gasoline toxics program?

(a) Refiners and importers who are registered by EPA under § 80.76 are deemed to be registered for purposes of this subpart.

(b) Refiners and importers subject to the standards in § 80.815 who are not registered by EPA under § 80.76 shall provide to EPA the information required by § 80.76 by October 1, 2001, or not later than three months in advance of the first date that such person produces or imports gasoline, whichever is later.

#### GASOLINE TOXICS PERFORMANCE REQUIREMENTS

#### § 80.815 What are the gasoline toxics performance requirements for refiners and importers?

(a)(1) The gasoline toxics performance requirements of this subpart require that the annual average toxics value of a refinery or importer be compared to that refinery's or importer's compliance baseline, where compliance has been achieved if—

(i) For conventional gasoline, the annual average toxics value is less than or equal to the compliance baseline;

(ii) For reformulated gasoline and RBOB, combined, the annual average

toxics value is greater than or equal to the compliance baseline.

(A) Refineries that only produce RBOB and importers that only import RBOB shall treat RBOB as reformulated gasoline for the purposes of determining compliance with the requirements of this subpart.

(B) Refineries that produce both RFG and RBOB and importers that import both RFG and RBOB must combine any RFG and RBOB qualities and volumes for the purposes of determining compliance with the requirements of this subpart.

(2) The requirements under this paragraph (a) shall be met by the importer for all imported gasoline, except gasoline imported as Certified Toxics-FRGAS under § 80.1030.

(b) The gasoline toxics requirements of this subpart apply separately for each of the following types of gasoline produced at a refinery or imported:

(1) Reformulated gasoline and RBOB, combined;

(2) Conventional gasoline.

(c) *Compliance baseline.* (1) The compliance baseline of a refinery or importer is determined in accordance with § 80.915 or § 80.855, as applicable.

(2) Refiners who have chosen, under subpart E of this part, to comply with the requirements of subpart E of this part on an aggregate basis, shall comply with the requirements of this subpart on the same aggregate basis.

(d) *Compliance determination.* (1)(i) The gasoline toxics performance requirements of this subpart apply to gasoline produced at a refinery or imported by an importer during each calendar year starting January 1, 2002. The averaging period is January 1 through December 31 of each year.

(ii)(A) Beginning January 1, 2011, or January 1, 2015 for small refiners approved under § 80.1340, the gasoline toxics performance requirements of this subpart shall apply only to gasoline that is not subject to the benzene standard of § 80.1230, pursuant to the provisions of § 80.1235.

(B) The gasoline toxics performance requirements of this subpart shall not apply to gasoline produced by a refinery approved under § 80.1334, pursuant to § 80.1334(c).