

**§ 80.990**

**40 CFR Ch. I (7-1-07 Edition)**

(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.

(2) Include in its conventional gasoline report per § 80.105 the compliance baseline and incremental volume,  $V_{inc}$ , for its conventional gasoline per § 80.850.

(3) Exclude Certified Toxics-FRGAS under § 80.1030, if an importer.

(b) *Additional reporting requirements for importers.* Any importer shall report

the following information for Toxics-FRGAS imported during the averaging period:

(1) The EPA refiner and refinery registration numbers of each foreign refiner and refinery where the Certified Toxics-FRGAS was produced; and

(2) The total gallons of Certified Toxics-FRGAS and Non-Certified Toxics-FRGAS imported from each foreign refiner and refinery.

EXEMPTIONS

**§ 80.995 What if a refiner or importer is unable to produce gasoline conforming to the requirements of this subpart?**

In appropriate extreme and unusual circumstances (e.g., natural disaster or Act of God) which are clearly outside the control of the refiner or importer and which could not have been avoided by the exercise of prudence, diligence, and due care, EPA may permit a refiner or importer, for a brief period, to not meet the requirements of this subpart, separately for reformulated gasoline (and RBOB, combined) and conventional gasoline, provided the refiner or importer meets all the criteria, requirements and conditions contained in § 80.73 (a) through (e).

**§ 80.1000 What are the requirements for obtaining an exemption for gasoline used for research, development or testing purposes?**

Gasoline used for research, development or testing purposes is exempt from the requirements of this subpart if it is exempted for these purposes under the reformulated and conventional gasoline programs, as applicable.

VIOLATION PROVISIONS

**§ 80.1005 What acts are prohibited under the gasoline toxics program?**

No person shall:

(a) *Averaging violation.* Produce or import gasoline subject to this subpart that does not comply with the applicable toxics requirement under § 80.815.

(b) *Causing an averaging use violation.* Cause another person to commit an act in violation of paragraph (a) of this section.