

Environmental Protection Agency

§ 80.104

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;