

(4) Include the following information:

(i) The additive package’s maximum sulfur concentration.

(ii) The maximum recommended concentration in volume percent for use of the additive package in diesel fuel.

(iii) The contribution to the sulfur level of the fuel, in ppm, that would result if the additive package is used at the maximum recommended concentration.

(c) Except for transfers of diesel fuel additives to truck carriers, retailers or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraphs (a) and (b) of this section, if such codes are clearly understood by each transferee. Codes used to convey the statement in paragraph (a)(2) of this section must contain the number “15” and codes used to convey the statement in paragraph (b)(2) of this section must not contain such number.

(d) For those diesel fuel additives which are sold in containers for use by the ultimate consumer of diesel fuel, each transferor must have displayed on the additive container, in a legible and conspicuous manner, either of the following statements, as applicable:

(1) “This diesel fuel additive complies with the federal low sulfur content requirements for use in diesel motor vehicles and nonroad engines.”; or

(2) For those additives sold in containers for use by the ultimate consumer, with a sulfur content in excess of 15 ppm the following statement: “This diesel fuel additive does not comply with federal ultra-low sulfur content requirements for use in model year 2007 and newer diesel motor vehicles or model year 2011 and newer diesel nonroad equipment engines.”

[69 FR 39189, June 29, 2004, as amended at 70 FR 40896, July 15, 2005; 71 FR 25719, May 1, 2006]

§ 80.592 What records must be kept by entities in the motor vehicle diesel fuel and diesel fuel additive distribution systems?

(a) *Records that must be kept by entities in the motor vehicle diesel fuel and diesel fuel additive distribution systems.* Beginning June 1, 2006, or for a refiner or importer, the first compliance period in which the refiner or importer is gener-

ating early credits under § 80.531(b) or (c), whichever is earlier, any person who produces, imports, sells, offers for sale, dispenses, distributes, supplies, offers for supply, stores, or transports motor vehicle diesel fuel subject to the provisions of this subpart, must keep all the following records:

(1) The applicable product transfer documents required under §§ 80.590 and 80.591.

(2) For any sampling and testing for sulfur content for a batch of motor vehicle diesel fuel produced or imported and subject to the 15 ppm sulfur standard or any sampling and testing for sulfur content as part of a quality assurance testing program, and any sampling and testing for cetane index, aromatics content, solvent yellow 124 content or dye solvent red 164 content of motor vehicle diesel fuel or motor vehicle diesel fuel additives:

(i) The location, date, time and storage tank or truck identification for each sample collected;

(ii) The name and title of the person who collected the sample and the person who performed the testing; and

(iii) The results of the tests for sulfur content (including, where applicable, the test results with and without application of the adjustment factor under § 80.580(d)) and for cetane index or aromatics content (as applicable), and the volume of product in the storage tank or container from which the sample was taken.

(3) The actions the party has taken, if any, to stop the sale or distribution of any motor vehicle diesel fuel found not to be in compliance with the sulfur standards specified in this subpart, and the actions the party has taken, if any, to identify the cause of any noncompliance and prevent future instances of noncompliance.

(b) *Additional records to be kept by refiners and importers of motor vehicle diesel fuel subject to hardship standards, small refiner standards and early credit provisions.* Beginning June 1, 2006, or for a refiner or importer, the first compliance period in which the refiner or importer is generating early credits under § 80.531(b) or (c), any refiner producing motor vehicle diesel fuel subject to the sulfur standard under § 80.520(a)(1), for each of its refineries,

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and any importer importing such motor vehicle diesel fuel, shall keep records that include the following information for each batch of motor vehicle diesel fuel produced or imported:

- (1) The batch volume.
- (2) The batch number, assigned under the batch numbering procedures under § 80.65(d)(3).
- (3) The date of production or import.
- (4) A record designating the batch as motor vehicle diesel fuel meeting the 500 ppm sulfur standard or as motor vehicle diesel fuel meeting the 15 ppm sulfur standard.
- (5) For foreign refiners, the designations and other records required to be kept under § 80.620.
- (6) In the case of importers, the designations and other records required under § 80.620(o).
- (7) Information regarding credits, kept separately for each calendar year compliance period, kept separately for each refinery and in the case of importers, kept separately for imports into each CTA, and designated as motor vehicle diesel fuel credits and kept separately from NRLM credits, as follows:
 - (i) The number of credits in the refiner's or importer's possession at the beginning of the calendar year;
 - (ii) The number of credits generated;
 - (iii) The number of credits used;
 - (iv) If any were obtained from or transferred to other parties, for each such other party, its name, its EPA refiner or importer registration number consistent with § 80.593(d), in the case of credits generated by an importer the port and CTA of import of the diesel fuel that generated the credits, and the number obtained from, or transferred to, the other party;
 - (v) The number in the refiner's or importer's possession that will carry over into the subsequent calendar year compliance period; and
 - (vi) Commercial documents that establish each transfer of credits from the transferor to the transferee.
- (8) The calculations used to determine compliance with the volume requirements of this subpart.
- (9) The calculations used to determine the number of credits generated.
- (10) A copy of reports submitted to EPA under § 80.593.

(c) *Additional records importers must keep.* Any importer shall keep records that identify and verify the source of each batch of certified diesel fuel program foreign refiner DFR-Diesel and non-certified DFR-Diesel imported and demonstrate compliance with the requirements under § 80.620.

(d) *Length of time records must be kept.* The 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 5 years from the date the credits were transferred, and shall be kept by the transferee for 5 years from the date the credits were transferred, used or terminated, whichever is later.

(e) *Make records available to EPA.* On request by EPA, the records required in this section must be made available to the Administrator or the Administrator's representative. For records that are electronically generated or maintained, the equipment and software necessary to read the records shall be made available, or if requested by EPA, electronic records shall be converted to paper documents which shall be provided to the Administrator's authorized representative.

(f) *Additional records to be kept by aggregated facilities consisting of a refinery and a truck loading terminal.* In addition to the records required by paragraph (a) of this section, such aggregated facilities must also keep the following records beginning June 1, 2006:

(1) The following information for each batch of motor vehicle diesel fuel produced by the refinery and sent over the aggregated facility's truck rack:

- (i) The batch volume;
- (ii) The batch number, assigned under the batch numbering procedures under §§ 80.65(d)(3) and 80.502(d)(1);
- (iii) The date of receipt or import;
- (iv) A record designating the batch as motor vehicle diesel fuel meeting the 500 ppm sulfur standard or as motor vehicle diesel fuel meeting the 15 ppm sulfur standard; and,
- (v) A record indicating the volumes that were either taxed, dyed, or dyed and marked.

(2) Volume reports for all motor vehicle diesel fuel from external sources (*i.e.*, from another refiner or importer),

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as described in § 80.601(f)(2), sent over the aggregated facility's truck rack.

[66 FR 5136, Jan. 18, 2001, as amended at 69 FR 39189, June 29, 2004; 70 FR 70510, Nov. 22, 2005; 71 FR 25719, May 1, 2006]

§ 80.593 What are the reporting requirements for refiners and importers of motor vehicle diesel fuel subject to temporary refiner relief standards?

Beginning with 2006, or the first compliance period during which credits are generated under § 80.531(b) or (c), whichever is earlier, any refiner or importer who produces or imports motor vehicle diesel fuel subject to the 500 ppm sulfur standard under § 80.520(c), or any refiner or importer who generates, uses, obtains, or transfers credits under §§ 80.530 through 80.532, and continuing for each year thereafter, must submit to EPA annual reports that contain the information required in this section, and such other information as EPA may require:

(a) *Refiners and importers.* Refiners and importers must report the following information separately for each refinery or CTA, in the case of importers, subject to a phase-in sulfur standard, small refiner standard or temporary refiner relief sulfur standard, or who generates, uses or transfers credits under §§ 80.530 through 80.532:

(1) The refiner's name and the EPA refinery registration number.

(2) For all motor vehicle diesel fuel produced for use in the United States during the compliance period:

(i) The total volume of motor vehicle diesel fuel produced;

(ii) The volume, in gallons, that complied with a sulfur content standard of 500 ppm; and

(iii) The volume, in gallons, that complied with the 15 ppm sulfur content standard.

(3) The percentage of the volume of motor vehicle diesel fuel produced during the compliance period that met the 15 ppm sulfur standard and the percentage that met the 500 ppm sulfur standard prior to the application of any volume credits.

(4) The percentage of volume of motor vehicle diesel fuel produced meeting the 15 ppm sulfur standard after the inclusion of any credits.

(5) Information regarding credits, separately for each refinery and for credits or debits related to imported motor diesel fuel, separately by importer and separately by CTA of import as follows:

(i) The CTA of the refiner's refinery or the importer's or the foreign refiner's CTA and port of importation;

(ii) The number of credits at the beginning of the compliance period;

(iii) The number of credits generated;

(iv) The number of credits used;

(v) If any credits were obtained from or transferred to other refineries or import ports, for each other refinery or importer, its name, address (or Port) and CTA, EPA refinery or importer registration number, and the number of credits obtained from or transferred to the other refinery or importer (by import CTA);

(vi) The number of credits, if any, that will carry over to the subsequent compliance period; and

(vii) The number of credits in deficit that must be made up for the following year;

(6) The reporting requirements under § 80.620, if applicable.

(7) For each batch of motor vehicle diesel fuel produced or imported during the compliance period:

(i) The batch number assigned using the batch numbering conventions under § 80.65(d)(3) and the appropriate designation under § 80.598.

(ii) The date the batch was produced; and

(iii) The volume of the batch, in gallons.

(8) When submitting reports under this paragraph (a), any importer shall exclude certified DFR-Diesel.

(b) *Additional reporting requirements for importers.* Importers of motor vehicle diesel fuel subject to the 500 ppm sulfur standard must report the following information:

(1) The importer's name and EPA registration number.

(2) For each foreign refinery from which motor vehicle diesel fuel is imported that is subject to a sulfur standard under § 80.520(c), the importer must report, for each batch of diesel fuel imported, the information required to be reported under § 80.620(o).