

Environmental Protection Agency

§ 80.1350

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

§ 80.1352

40 CFR Ch. I (7–1–11 Edition)

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.

(5) *ABT participation.* For each year through 2015, the following information related to credits shall be provided to EPA, if applicable:

(i) If the refinery is expecting to generate benzene credits per § 80.1275 and/or § 80.1290, the actual or estimated, as applicable, numbers of early credits and standard credits expected to be generated.

(ii) If the refinery is expecting to use benzene credits per § 80.1295, the actual or estimated, as applicable, numbers of early credits and standard credits expected to be banked, transferred or used to achieve compliance in accordance with § 80.1240.

(6) Information on any project schedule by quarter of known or projected completion date, by the stage of the project. See, for example, the five project phases described in EPA's June 2002 Highway Diesel Progress Review report (EPA420-R-02-016, <http://www.epa.gov/otaq/regs/hd2007/420r02016.pdf>): Strategic planning, Planning and front-end engineering, Detailed engineering and permitting, Procurement and Construction, and Commissioning and startup.

(7) Basic information regarding the selected technology pathway for compliance (*e.g.*, precursor re-routing or other technologies, revamp vs. grass-roots, etc.).

(8) Whether capital commitments have been made or are projected to be made.

(b) The pre-compliance reports due in 2008 and succeeding years must provide an update of the progress in each of these areas and include actual values where available.

(c) The pre-compliance reporting requirements of this section do not apply to refineries that only produce products exempt from the requirements of this subpart per § 80.1235(b).

§ 80.1354 What are the reporting requirements for the gasoline benzene program?

(a) 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 submit to EPA an Annual Gasoline Benzene Report that contains the information required in this section, and such other information as EPA may require for each applicable averaging period.