

(b) *Determination of emission factor.* Whenever any of the procedures in § 98.394(c) cannot be followed to develop an emission factor for any reason, Calculation Methodology 1 of this subpart must be used in place of Calculation Methodology 2 of this subpart for the entire reporting year.

(c) *Determination of API gravity and sulfur content of crude oil.* For missing data on sulfur content or API gravity, the substitute data value shall be the arithmetic average of the quality-assured values of API gravity or sulfur content in the batch preceding and the batch immediately following the missing data incident. If no quality-assured data are available prior to the missing data incident, the substitute data value shall be the first quality-assured values for API gravity and sulfur content obtained from the batch after the missing data period.

**§ 98.396 Data reporting requirements.**

In addition to the information required by § 98.3(c), the following requirements apply:

(a) Refiners shall report the following information for each facility:

(1) For each petroleum product or natural gas liquid listed in table MM-1 of this subpart that enters the refinery to be further refined or otherwise used on site, report the annual quantity in metric tons or barrels by each quantity measurement standard method or other industry standard practice used. For natural gas liquids, quantity shall reflect the individual components of the product.

(2) For each petroleum product or natural gas liquid listed in Table MM-1 of this subpart that enters the refinery to be further refined or otherwise used on site, report the annual quantity in metric tons or barrels. For natural gas liquids, quantity shall reflect the individual components of the product.

(3) For each feedstock reported in paragraph (a)(2) of this section that was produced by blending a petroleum-based product with a biomass-based product, report the percent of the volume reported in paragraph (a)(2) of this section that is petroleum-based (excluding any denaturant that may be present in any ethanol product).

(4) Each standard method or other industry standard practice used to measure each quantity reported in paragraph (a)(1) of this section.

(5) For each petroleum product and natural gas liquid (ex refinery gate) listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels by each quantity measurement standard method or other industry standard practice used. For natural gas liquids, quantity shall reflect the individual components of the product. Petroleum products and natural gas liquids that enter the refinery, but are not reported in (a)(1), shall not be reported under this paragraph.

(6) For each petroleum product and natural gas liquid (ex refinery gate) listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels. For natural gas liquids, quantity shall reflect the individual components of the product. Petroleum products and natural gas liquids that enter the refinery, but are not reported in (a)(2), shall not be reported under this paragraph.

(7) For each product reported in paragraph (a)(6) of this section that was produced by blending a petroleum-based product with a biomass-based product, report the percent of the volume reported in paragraph (a)(6) of this section that is petroleum-based (excluding any denaturant that may be present in any ethanol product).

(8) Each standard method or other industry standard practice used to measure each quantity reported in paragraph (a)(5) of this section.

(9) For every feedstock reported in paragraph (a)(2) of this section for which Calculation Methodology 2 of this subpart was used to determine an emissions factor, report:

(i) The number of samples collected according to § 98.394(c)

(ii) The sampling standard method used.

(iii) The carbon share test results in percentmass.

(iv) The standard method used to test carbon share.

(v) The calculated CO<sub>2</sub> emissions factor in metric tons.

(10) For every non-solid feedstock reported in paragraph (a)(2) of this section for which Calculation Methodology 2 of this subpart was used to determine an emissions factor, report:

(i) The density test results in metric tons per barrel.

(ii) The standard method used to test density.

(11) For every petroleum product and natural gas liquid reported in paragraph (a)(6) of this section for which Calculation Methodology 2 of this subpart was used to determine an emissions factor, report:

(i) The number of samples collected according to § 98.394(c).

(ii) The sampling standard method used.

(iii) The carbon share test results in percentmass.

(iv) The standard method used to test carbon share.

(v) The calculated CO<sub>2</sub> emissions factor in metric tons CO<sub>2</sub> per barrel or per metric ton of product.

(12) For every non-solid petroleum product and natural gas liquid reported in paragraph (a)(6) for which Calculation Method 2 was used to determine an emissions factor, report:

(i) The density test results in metric tons per barrel.

(ii) The standard method used to test density.

(13) For each specific type of biomass that enters the refinery to be co-processed with petroleum feedstocks to produce a petroleum product reported in paragraph (a)(6) of this section, report the annual quantity in metric tons or barrels by each quantity measurement standard method or other industry standard practice used.

(14) For each specific type of biomass that enters the refinery to be co-processed with petroleum feedstocks to produce a petroleum product reported in paragraph (a)(6) of this section, report the annual quantity in metric tons or barrels.

(15) Each standard method or other industry standard practice used to measure each quantity reported in paragraph (a)(13) of this section.

(16) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of each petroleum product and natural gas liquid (ex

refinery gate) reported in paragraph (a)(6) of this section that were calculated according to § 98.393(a) or (h).

(17) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of each feedstock reported in paragraph (a)(2) of this section that were calculated according to § 98.393(b) or (h).

(18) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of each type of biomass feedstock co-processed with petroleum feedstocks reported in paragraph (a)(13) of this section, calculated according to § 98.393(c).

(19) The sum of CO<sub>2</sub> emissions that would result from the complete combustion or oxidation of all products, calculated according to § 98.393(d).

(20) All of the following information for all crude oil feedstocks used at the refinery:

(i) Batch volume in barrels.

(ii) Weighted average API gravity representing the batch at the point of entry at the refinery.

(iii) Weighted average sulfur content representing the batch at the point of entry at the refinery.

(iv) Country of origin, of the batch, if known and data in paragraphs (a)(20)(v) and (a)(20)(vi) of this section are unknown.

(v) EIA crude stream code and crude stream name of the batch, if known.

(vi) Generic name for the crude stream and the appropriate EIA two-letter country or state and production area code of the batch, if known and no appropriate EIA crude stream code exists.

(21) The quantity of bulk NGLs in metric tons or barrels received for processing during the reporting year.

(22) Volume of crude oil in barrels that you injected into a crude oil supply or reservoir. A volume of crude oil that entered the refinery, but was not reported in paragraphs (a)(2) or (a)(20), shall not be reported under this paragraph.

(23) *Special provisions for 2010.* For reporting year 2010 only, a refiner that knows the information under a specific tier of the batch definition in 40 CFR 98.398, but does not have the necessary data collection and management in

place to readily report this information, can use the next most appropriate tier of the batch definition for reporting batch information under paragraph 98.396(a)(20).

(b) In addition to the information required by § 98.3(c), each importer shall report all of the following information at the corporate level:

(1) For each petroleum product and natural gas liquid listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels by each quantity measurement standard method or other industry standard practice used. For natural gas liquids, quantity shall reflect the individual components of the product.

(2) For each petroleum product and natural gas liquid listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels. For natural gas liquids, quantity shall reflect the individual components of the product as listed in Table MM-1 of this subpart.

(3) For each product reported in paragraph (b)(2) of this section that was produced by blending a petroleum-based product with a biomass-based product, report the percent of the volume reported in paragraph (b)(2) of this section that is petroleum-based (excluding any denaturant that may be present in any ethanol product).

(4) Each standard method or other industry standard practice used to measure each quantity reported in paragraph (b)(1) of this section.

(5) For each product reported in paragraph (b)(2) of this section for which Calculation Methodology 2 of this subpart was used to determine an emissions factor, report:

(i) The number of samples collected according to § 98.394(c).

(ii) The sampling standard method used.

(iii) The carbon share test results in percent mass.

(iv) The standard method used to test carbon share.

(v) The calculated CO<sub>2</sub> emissions factor in metric tons CO<sub>2</sub> per barrel or per metric ton of product.

(6) For each non-solid product reported in paragraph (b)(2) of this section for which Calculation Method-

ology 2 of this subpart was used to determine an emissions factor, report:

(i) The density test results in metric tons per barrel.

(ii) The standard method used to test density.

(7) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of each imported petroleum product and natural gas liquid reported in paragraph (b)(2) of this section, calculated according to § 98.393(a).

(8) The sum of CO<sub>2</sub> emissions that would result from the complete combustion oxidation of all imported products, calculated according to § 98.393(e).

(c) In addition to the information required by § 98.3(c), each exporter shall report all of the following information at the corporate level:

(1) For each petroleum product and natural gas liquid listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels by each quantity measurement standard method or other industry standard practice used. For natural gas liquids, quantity shall reflect the individual components of the product.

(2) For each petroleum product and natural gas liquid listed in Table MM-1 of this subpart, report the annual quantity in metric tons or barrels. For natural gas liquids, quantity shall reflect the individual components of the product.

(3) For each product reported in paragraph (c)(2) of this section that was produced by blending a petroleum-based product with a biomass-based product, report the percent of the volume reported in paragraph (c)(2) of this section that is petroleum based (excluding any denaturant that may be present in any ethanol product).

(4) Each standard method or other industry standard practice used to measure each quantity reported in paragraph (c)(1) of this section.

(5) For each product reported in paragraph (c)(2) of this section for which Calculation Methodology 2 of this subpart was used to determine an emissions factor, report:

(i) The number of samples collected according to § 98.394(c).

(ii) The sampling standard method used.

## § 98.397

## 40 CFR Ch. I (7–1–12 Edition)

(iii) The carbon share test results in percentmass.

(iv) The standard method used to test carbon share.

(v) The calculated CO<sub>2</sub> emissions factor in metric tons CO<sub>2</sub> per barrel or per metric ton of product.

(6) For each non-solid product reported in paragraph (c)(2) of this section for which Calculation Methodology 2 of this subpart used was used to determine an emissions factor, report:

(i) The density test results in metric tons per barrel.

(ii) The standard method used to test density.

(7) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of for each exported petroleum product and natural gas liquid reported in paragraph (c)(2) of this section, calculated according to § 98.393(a).

(8) The sum of CO<sub>2</sub> emissions that would result from the complete combustion or oxidation of all exported products, calculated according to § 98.393(e).

(d) *Blended non-crude feedstock and products.* (1) Refineries, exporters, and importers must report the following information for each blended product and non-crude feedstock where emissions were calculated according to § 98.393(i):

(i) Volume or mass of each blending component.

(ii) The CO<sub>2</sub> emissions in metric tons that would result from the complete combustion or oxidation of each blended non-crude feedstock or product, using Equation MM-12 or Equation MM-13 of this section.

(iii) Whether it is a blended non-crude feedstock or a blended product.

(2) For a product that enters the refinery to be further refined or otherwise used on site that is a blended non-crude feedstock, refiners must meet the reporting requirements of paragraphs (a)(1) and (a)(2) of this section by reflecting the individual components of the blended non-crude feedstock.

(3) For a product that is produced, imported, or exported that is a blended product, refiners, importers, and exporters must meet the reporting requirements of paragraphs (a)(5), (a)(6), (b)(1), (b)(2), (c)(1), and (c)(2) of this section,

as applicable, by reflecting the individual components of the blended product.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 66477, Oct. 28, 2010]

### § 98.397 Records that must be retained.

(a) All reporters shall retain copies of all reports submitted to EPA under § 98.396. In addition, all reporters shall maintain sufficient records to support information contained in those reports, including but not limited to information on the characteristics of their feedstocks and products.

(b) Reporters shall maintain records to support quantities that are reported under this subpart, including records documenting any estimations of missing data and the number of calendar days in the reporting year for which substitute data procedures were followed. For all reported quantities of petroleum products, natural gas liquids, and biomass, as well as crude oil quantities measured on site at a refinery, reporters shall maintain metering, gauging, and other records normally maintained in the course of business to document product and feedstock flows including the date of initial calibration and the frequency of recalibration for the measurement equipment used.

(c) Reporters shall retain laboratory reports, calculations and worksheets used to estimate the CO<sub>2</sub> emissions of the quantities of petroleum products, natural gas liquids, biomass, and feedstocks reported under this subpart.

(d) Reporters shall maintain laboratory reports, calculations and worksheets used in the measurement of density and carbon share for any petroleum product or natural gas liquid for which CO<sub>2</sub> emissions were calculated using Calculation Methodology 2.

(e) Estimates of missing data shall be documented and records maintained showing the calculations.

(f) Reporters described in this subpart shall also retain all records described in § 98.3(g).

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 66478, Oct. 28, 2010]