

§ 80.103

40 CFR Ch. I (7-1-00 Edition)

January 1 of the averaging period following the averaging period when the subsequent exceedance occurs.

(f)(1) The refiner or importer blendstock accounting requirements specified under paragraph (e) of this section shall not apply in the case of any refiner or importer:

(i) Whose 1990 baseline value for each regulated fuel property and emission performance, as determined in accordance with §§ 80.91 and 80.92, is less stringent than the anti-dumping statutory baseline value for that parameter or emissions performance;

(ii) Whose averaging period blendstock-to-gasoline ratio, calculated according to paragraph (d)(1)(i) of this section, is equal to or less than .0300; or

(iii) Who obtains a waiver from EPA, provided that a petition for such a waiver is filed no later than fifteen days following the end of the averaging period for which the blendstock-to-gasoline ratio percentage change threshold is exceeded.

(2)(i) EPA may grant the waiver referred to in paragraph (f)(1)(iii) of this section if the level of blendstock production was the result of extreme or unusual circumstances (e.g., a natural disaster or act of God) which clearly are outside the control of the refiner or importer, and which could not have been avoided by the exercise of prudence, diligence, and due care.

(ii) Any petition filed under paragraph (f) of this section shall include information which describes the extreme or unusual circumstance which caused the increased volume of blendstock produced or imported, the steps taken to avoid the circumstance, and the steps taken to remedy or mitigate the effect of the circumstance.

(g) Notwithstanding the requirements of paragraphs (a) through (f) of this section, any refiner or importer that transfers applicable blendstock to another refiner or importer with a less stringent baseline requirement, either directly or indirectly, for the purpose of evading a more stringent baseline requirement, shall include such blendstock(s) in determining compli-

ance with the applicable requirements of this subpart.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994]

§ 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 refiner or importer shall maintain records containing the information as required by this section.

(a) 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 blendstock if blendstock accounting is required under § 80.102(e)(2); or

(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;

(vi) The product transfer documents for any conventional gasoline produced or imported;

(vii) The product transfer documents for any conventional gasoline received;

(viii) For any gasoline blendstocks received by or transferred from a refiner or importer, documents that reflect:

(A) The identification of the product;

(B) The date the product was transferred; and

(C) The volume of product;

(ix) In the case of any refinery-produced or imported products listed in § 80.102(a) that are excluded under § 80.102(d)(3), documents which demonstrate that basis for exclusion; and