

**§§ 80.1200–80.1219**

**40 CFR Ch. I (7–1–10 Edition)**

in this certification or submission is a fine of up to \$10,000 U.S., and/or imprisonment for up to five years.

[72 FR 24004, May 1, 2007, as amended at 73 FR 57259, Oct. 2, 2008]

**Subpart L—Gasoline Benzene**

SOURCE: 72 FR 8544, Feb. 26, 2007, unless otherwise noted.

**§§ 80.1200–80.1219 [Reserved]**

**GENERAL INFORMATION**

**§ 80.1220 What are the implementation dates for the gasoline benzene program?**

(a) *Benzene standard.* (1) For the annual averaging period beginning January 1, 2011, and for each annual averaging period thereafter, gasoline produced at each refinery of a refiner or imported by an importer, must meet the benzene standard specified in § 80.1230(a), except as otherwise specifically provided for in this subpart.

(2) For the period July 1, 2012 through December 31, 2013, and for each annual averaging period thereafter, gasoline produced at each refinery of a refiner or imported by an importer, must meet the maximum average benzene standard specified in § 80.1230(b), except as otherwise specifically provided for in this subpart.

(3) Small refiners approved under § 80.1340 may defer meeting the benzene standard specified in § 80.1230(a) until the annual averaging period beginning January 1, 2015 and may defer meeting the benzene standard specified in § 80.1230(b) until the averaging period beginning July 1, 2016, as described in § 80.1342.

(b) *Early credit generation.* (1) Effective with the averaging period beginning June 1, 2007, a refiner for each of its refineries that has an approved benzene baseline per § 80.1285 may generate early benzene credits in accordance with the provisions of § 80.1275.

(2) Early benzene credits may be generated through the end of the averaging period ending December 31, 2010, or through the end of the averaging period ending December 31, 2014 for small refiners approved under § 80.1340.

(c) *Standard credit generation.* (1) Effective with the annual averaging pe-

riod beginning January 1, 2011, a refiner for any of its refineries or an importer for its imported gasoline, may generate standard benzene credits in accordance with the provisions of § 80.1290.

(2) Effective with the annual averaging period beginning January 1, 2015, a small refiner approved under § 80.1340, for any of its refineries, may generate standard benzene credits in accordance with the provisions of § 80.1290.

**§ 80.1225 Who must register with EPA under the gasoline benzene program?**

(a) Refiners and importers that are registered by EPA under § 80.76, § 80.103, § 80.190, or § 80.810 are deemed to be registered for purposes of this subpart.

(b) Refiners and importers subject to the requirements in § 80.1230 that are not registered by EPA under §§ 80.76, 80.103, 80.190 or 80.810 shall provide to EPA the information required in § 80.76 by September 30, 2010, or not later than three months in advance of the first date that such person produces or imports gasoline, whichever is later.

(c) Refiners that plan to generate early credits under § 80.1275 and that are not registered by EPA under §§ 80.76, 80.103, 80.190, or 80.810 must provide to EPA the information required in § 80.76 not later than 60 days prior to the end of the first year of credit generation.

**GASOLINE BENZENE REQUIREMENTS**

**§ 80.1230 What are the gasoline benzene requirements for refiners and importers?**

(a) *Annual average benzene standard.*

(1) Except as specified in paragraph (c) of this section, a refinery's or importer's average gasoline benzene concentration in any annual averaging period shall not exceed 0.62 volume percent.

(2) Compliance with the standard specified in paragraph (a)(1) of this section, or creation of a deficit in accordance with paragraph (c) of this section, is determined in accordance with § 80.1240(a).

(3) The annual averaging period for achieving compliance with the requirement of paragraph (a)(1) of this section is January 1 through December 31 of

## Environmental Protection Agency

## § 80.1235

each calendar year beginning January 1, 2011, or beginning January 1, 2015 for small refiners approved under § 80.1340.

(4) Refinery grouping per § 80.101(h) does not apply to compliance with the gasoline benzene requirement specified in this paragraph (a).

(5) Gasoline produced at foreign refineries that is subject to the gasoline benzene requirements per § 80.1235 shall be included in the importer's compliance determination beginning January 1, 2011, or beginning January 1, 2015 for small foreign refiners approved under § 80.1340.

(b) *Maximum average benzene standard.* (1) A refinery's or importer's maximum average gasoline benzene concentration in any averaging period shall not exceed 1.30 volume percent.

(2) Compliance with the standard specified in paragraph (b)(1) of this section is determined in accordance with § 80.1240(b).

(3) The averaging period for achieving compliance with the requirement of paragraph (b)(1) of this section is July 1, 2012 through December 31, 2013 and each calendar year thereafter, or July 1, 2016 through December 31, 2017, and each calendar year thereafter for small refiners approved under § 80.1340.

(c) *Deficit carry-forward.* (1) A refinery or importer creates a benzene deficit for a given averaging period when its compliance benzene value, per § 80.1240(a), is greater than the benzene standard specified in paragraph (a) of this section.

(2) A refinery or importer may carry the benzene deficit forward to the calendar year following the year the benzene deficit is created but only if no deficit had been previously carried forward to the year the deficit is created. If a refinery or importer carries forward a deficit, the following provisions apply in the second year:

(i) The refinery or importer must achieve compliance with the benzene standard specified in paragraph (a) of this section.

(ii) The refinery or importer must achieve further reductions in its gasoline benzene concentrations sufficient to offset the benzene deficit of the previous year.

(iii) Benzene credits may be used, per § 80.1295, to meet the requirements of

paragraphs (c)(2)(i) and (ii) of this section.

(iv) A refinery that has banked credits per § 80.1295(a)(3) must use all of its banked credits to achieve compliance with the benzene standard specified in paragraph (a) of this section before creating a deficit.

(3) EPA may allow an extended period of deficit carry-forward if it grants hardship relief under §§ 80.1335 or 80.1336 from the annual average standard specified in paragraph (a) of this section.

### § 80.1235 What gasoline is subject to the benzene requirements of this subpart?

(a) For the purposes of determining compliance with the requirements of § 80.1230, all of the following products that are produced or imported for use in the United States during a refinery's or importer's applicable compliance period are collectively "gasoline" and are to be included in a refinery's or importer's compliance determination under § 80.1240, except as provided in paragraph (b) of this section:

(1) Reformulated gasoline.

(2) Conventional gasoline.

(3) Reformulated gasoline blendstock for oxygenate blending ("RBOB").

(4) Conventional gasoline blendstock that becomes finished conventional gasoline upon the addition of oxygenate ("CBOB").

(5) Blendstock that has been combined with finished gasoline, other blendstock, transmix, or gasoline produced from transmix to produce gasoline.

(6) Blendstock that has been combined with previously certified gasoline ("PCG") to produce gasoline. Such blendstock must be sampled in accordance with the provisions at § 80.1347(a)(5).

(b) The following products are not to be included in a refinery's or importer's compliance determination under § 80.1240:

(1) Blendstock that has not been combined with other blendstock or finished gasoline to produce gasoline.

(2) Oxygenate added to finished gasoline, RBOB, or CBOB downstream of the refinery that produced the gasoline or import facility where the gasoline was imported.