Environmental Protection Agency § 80.820

(c) Compliance baseline. (1) The compliance baseline of a refinery or importer is determined in accordance with §80.915 or §80.855, as applicable.

(2) Refiners who have chosen, under subpart E of this part, to comply with the requirements of subpart E of this part on an aggregate basis, shall comply with the requirements of this subpart on the same aggregate basis.

(d) Compliance determination. (1)(i) The gasoline toxics performance requirements of this subpart apply to gasoline produced at a refinery or imported by an importer during each calendar year starting January 1, 2002. The averaging period is January 1 through December 31 of each year.

(ii)(A) Beginning January 1, 2011, or January 1, 2015 for small refiners approved under §80.1340, the gasoline toxics performance requirements of this subpart shall apply only to gasoline that is not subject to the benzene standard of §80.1230, pursuant to the provisions of §80.1235.

(B) The gasoline toxics performance requirements of this subpart shall not apply to gasoline produced by a refinery approved under §80.1334, pursuant to §80.1334(c).

(2) The annual average toxics value is calculated in accordance with §80.825.

(e) Deficit carryforward. (1) A refinery or importer creates a toxics deficit, separately for reformulated gasoline and conventional gasoline, for a given averaging period, when—

(i) For conventional gasoline, its annual average toxics value is less than the compliance baseline;

(ii) For reformulated gasoline and RBOB, combined, the annual average toxics value is greater than the compliance baseline.

(2) Toxics credits may be used to offset a toxics deficit in the calendar year following the year the credits are generated, provided the following criteria are met:

(i) Reformulated gasoline toxics credits are only to be used to offset a reformulated gasoline toxics deficit; conventional gasoline credits are only to be used to offset a conventional gasoline toxics deficit.

(ii) A refiner only offsets a toxics deficit at a refinery with toxics credits generated by that refinery.

(iii) Credits generated on an aggregate basis may only be used to offset a deficit calculated on an aggregate basis.

(iv) Credits used to offset a deficit from the previous year may not also be carried forward to the following year. Credits in excess of those used to offset a deficit from the previous year may be used to offset a deficit in the following year.

(v) Only toxics credits generated under this subpart may be used to offset a deficit created under this subpart.


§ 80.820 What gasoline is subject to the toxics performance requirements of this subpart?

For the purpose of this subpart, all reformulated gasoline, conventional gasoline and RBOB, collectively called “gasoline” unless otherwise specified, is subject to the requirements under this subpart, as applicable, with the following exceptions:

(a) Gasoline that is used to fuel aircraft, racing vehicles or racing boats that are used only in sanctioned racing events, provided that:

(1) Product transfer documents associated with such gasoline, and any pump stand from which such gasoline
§ 80.825 How is the refinery or importer annual average toxics value determined?

(a) The refinery or importer annual average toxics value is calculated as follows:

\[
T_a = \frac{\sum_{i=1}^{n} (V_i \times T_i)}{\sum_{i=1}^{n} V_i}
\]

Where:

- \(T_a\) = The refinery or importer annual average toxics value, as applicable.
- \(V_i\) = The volume of applicable gasoline produced or imported in batch \(i\).
- \(T_i\) = The toxics value of batch \(i\).
- \(n\) = The number of batches of gasoline produced or imported during the averaging period.
- \(i\) = Individual batch of gasoline produced or imported during the averaging period.

(b) The calculation specified in paragraph (a) of this section shall be made separately for each type of gasoline specified at §80.815(b).

(c) The toxics value, \(T_i\), of each batch of gasoline is determined using the Phase II Complex Model specified at §80.45.