(2) The hardship application must meet all other applicable requirements of this section, except paragraph (a) of this section.

(c) Applications. (1) The hardship extension application must contain a letter signed by the president or the chief operating officer or chief executive officer of the company, or his/her designee, stating that the information contained in the application is true to the best of his/her knowledge.

(2) Hardship applications under this section must be submitted in writing to the following address: U.S. EPA—Attn: Tier 3 Program (Hardship Application), 6406J, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

§§ 80.1626–80.1629 [Reserved]

§ 80.1630 Sampling and testing requirements for refiners, gasoline importers and producers and importers of certified ethanol denaturant.

(a) Sample and test each batch of gasoline and certified ethanol denaturant. (1) Refiners and importers shall collect a representative sample from each batch of gasoline produced or imported and test each sample to determine its sulfur content for compliance with requirements under this subpart prior to the gasoline leaving the refinery or import facility, using the sampling and testing methods provided in this section or §§ 80.8 (sampling) and 80.47 (testing).

(2) Producers and importers of certified ethanol denaturant shall collect a representative sample from each batch of certified ethanol denaturant produced or imported and test each sample to determine its sulfur content for compliance with requirements under this subpart prior to the certified ethanol denaturant leaving the certified ethanol denaturant production or import facility, using the sampling and testing methods provided in this section or §§ 80.8 (sampling) and 80.47 (testing).

(3) Except as provided in paragraph (a)(4) of this section, the requirements of this section apply beginning January 1, 2017, or the first date that certified ethanol denaturant is introduced into commerce, whichever is earlier.

(4)(i) Beginning January 1, 2017, any refiner who produces gasoline using computer-controlled in-line blending equipment is exempt from the requirement of paragraph (a)(1) of this section to obtain the test results required under paragraph (a)(1) of this section prior to the gasoline leaving the refinery, provided that the refiner obtains an exemption from this requirement from EPA. To obtain such exemption, the refiner must—

(A) Have been granted an in-line blending exemption under §80.65(f)(4); or

(B) If the refiner has not been granted an exemption under §80.65(f)(4), submit to EPA all of the information required under §80.65(f)(4)(i)(A). A letter signed by the president, chief operating officer or chief executive officer of the company, or his/her designee, stating that the information contained in the submission is true to the best of his/her belief must accompany any submission under this paragraph (a)(4)(i)(B).

(ii) Refiners who seek an exemption under paragraph (a)(4)(i) of this section must comply with any EPA request for additional information or any other requirements that EPA includes as part of the exemption.

(iii) Within 60 days of EPA’s receipt of a submission under paragraph (a)(4)(i)(B) of this section, EPA will notify the refiner if the exemption is not approved or of any deficiencies in the refiner’s submission, or if any additional information is required or other requirements are included in the exemption pursuant to paragraph (a)(4)(i) of this section. In the absence of such notification from EPA, the effective date of an exemption under paragraph (a)(4)(i) of this section for refiners who do not hold an exemption under §80.65(f)(4) is 60 days from EPA’s receipt of the refiner’s submission under paragraph (a)(4)(i)(B) of this section.

(iv) EPA reserves the right to modify the requirements of an exemption under paragraph (a)(4)(i) of this section, in whole or in part, at any time, if EPA determines that the refiner’s
operation does not effectively or adequately control, monitor or document the sulfur content of the refinery’s gasoline production, or if EPA determines that any other circumstances exist which merit modification of the requirements of an exemption, such as advancements in the state of the art for in-line blending measurement which allow for additional control or more accurate monitoring or documentation of sulfur content. If EPA finds that a refiner provided false or inaccurate information in any submission required for an exemption under this section, upon notification from EPA, the refiner’s exemption will be void ab initio.

(b) Sampling methods. For purposes of paragraph (a) of this section, refiners, gasoline importers, and producers and importers of certified ethanol denaturant shall sample each batch of gasoline by using one of the methods specified in §80.8. Alternative methods for sampling batches of certified ethanol denaturant may be used as approved by the Administrator.

(c) Test method for measuring sulfur content of gasoline and certified ethanol denaturant. (1) For purposes of paragraph (a) of this section, refiners, gasoline importers, and producers and importers of certified ethanol denaturant shall use the method provided in §80.47, as applicable, to measure the sulfur content of gasoline or certified ethanol denaturant they produce or import.

(2) Sulfur content shall be reported to the nearest ppm.

(3) Alternative methods for the measurement of the sulfur content of certified ethanol denaturants may be used as approved by the Administrator.

§80.1631 Gasoline, RBOB, and CBOB sample retention requirements.

(a) Sample retention requirements. Beginning January 1, 2017, or January 1 of the first year credits are generated under §80.1615, whichever is earlier, any refiner or importer shall do all the following:

(1) Collect a representative portion of each sample analyzed under §80.1630, of at least 330 milliliters in volume.

(2) Retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater, not to exceed 90 days for any given sample.

(3) Comply with the gasoline sample handling and storage procedures under §80.1630 for each sample portion retained.

(4) Comply with any request by EPA to—

(i) Provide a retained sample portion to the Administrator’s authorized representative; and

(ii) Ship a retained sample portion to EPA, within two working days of the date of the request, by an overnight shipping service or comparable means, to the address and following procedures specified by EPA, and accompanied with the sulfur test result for the sample determined under §80.1630.

(b) Sample retention requirement for samples subject to independent analysis requirements. (1) Any refiner or importer who meets the independent analysis requirements under §80.65(f) for any batch of reformulated gasoline or RBOB will have met the requirements of paragraph (a) of this section, provided the independent laboratory meets the requirements of paragraph (a) of this section for the gasoline batch; except that the retained RBOB sample for purposes of this subpart O must be a sample of the RBOB prior to hand blending with oxygenate.

(2) For samples retained by an independent laboratory under this paragraph (b), the test results required to be submitted under paragraph (a) of this section shall be the test results determined under §80.65(e).

(c) Sampling compliance certification. Any refiner or importer shall include with each annual report filed under §80.1652, the following statement, which must accurately reflect the facts and must be signed and dated by the same person who signs the annual report:

I certify that I have made inquiries that are sufficient to give me knowledge of the procedures to collect and store gasoline samples, and I further certify that the procedures meet the requirements of the ASTM procedures required under 40 CFR §80.1630.

(d) Requirements for refiners who analyze composited samples. Prior to January 1, 2017, for purposes of complying