§80.602  What records must be kept by refiners and importers of NRLM diesel fuel and ECA marine fuel. Beginning June 1, 2007, or June 1, 2006, pursuant to the provisions of §80.535 or §80.535(d) (or June 1, 2014, pursuant to the provisions of §80.510(d)), any refiner: producing distillate or residual fuel subject to a
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sulfur standard under § 80.510, § 80.513, § 80.536, § 80.554, § 80.560, or § 80.561, for each of its refineries, and any importer importing such fuel separately for each facility, shall keep records that include the following information for each batch of NRLM diesel fuel, ECA marine fuel, or heating oil produced or imported:

(1) The batch volume.
(2) The batch number, assigned under the batch numbering procedures under § 80.65(d)(3).
(3) The date of production or import.
(4) A record designating the batch as one of the following:
   (i) NRLM diesel fuel, NR diesel fuel, LM diesel fuel, ECA marine fuel, or heating oil, as applicable.
   (ii) Meeting the 500 ppm sulfur standard of § 80.510(a), the 15 ppm sulfur standard of § 80.510(b) and (c), the 1,000 ppm sulfur standard of § 80.510(k), or other applicable standard.
   (iii) Dyed or undyed with visible evidence of solvent red 164.
   (iv) Marked or unmarked with solvent yellow 124.
(5) For foreign refiners and importers of their fuel, the designations and other records required to be kept under § 80.620.
(6) All of the following information regarding credits, kept separately for each compliance period, kept separately for each refinery and for each importer facility, kept separately if converted under § 80.535(a) and (b) or § 80.535(c) and (d), and kept separately from motor vehicle diesel fuel credits:
   (i) The number of credits in the refiner’s or importer’s possession at the beginning of the calendar year.
   (ii) The number of credits generated.
   (iii) The number of credits used.
   (iv) If any were obtained from or transferred to other parties, for each other party, its name, its EPA refiner or importer registration number consistent with § 80.597, and the number obtained from, or transferred to, the other party.
   (v) The number in the refiner’s or importer’s possession that will carry over into the subsequent calendar year compliance period.
   (vi) Commercial documents that establish each transfer of credits from the transferee to the transferor.

(7) The calculations used to determine baselines or compliance with the volume requirements and volume percentages, as applicable, under this subpart.
(8) The calculations used to determine the number of credits generated.
(9) A copy of reports submitted to EPA under § 80.604.

(c) Additional records importers must keep. Any importer shall keep records that identify and verify the source of each batch of certified DFR-Diesel and non-certified DFR-Diesel imported and demonstrate compliance with the requirements under § 80.620.

(d) Additional records that must be kept by mobile facilities. Any registered mobile facility must keep records of all contracts from any contracted components (e.g. tank truck, barge, marine tanker, rail car, etc.) of each of its registered mobile facilities.

(e) Length of time records must be kept. The records required in this section shall be kept for five years from the date they were created, except that records relating to credit transfers shall be kept by the transferor for five years from the date the credits were transferred, and shall be kept by the transferee for five years from the date the credits were transferred, used or terminated, whichever is later.

(f) Make records available to EPA. On request by EPA, the records required in this section must be made available to the Administrator or the Administrator’s representative. For records that are electronically generated or maintained, the equipment and software necessary to read the records shall be made available, or if requested by EPA, electronic records shall be converted to paper documents which shall be provided to the Administrator’s authorized representative.

(g) Additional records to be kept by aggregated facilities consisting of a refinery and a truck loading terminal. In addition to the applicable records required by paragraphs (a) through (f) of this section, such aggregated facilities must also keep the following records:

(1) All the following information for each batch of distillate fuel (or residual fuel with a sulfur level of 1,000 ppm or less if such fuel is intended for use in an ECA) produced by the refinery
§ 80.603 What are the pre-compliance reporting requirements for NRLM diesel fuel?

(a) Except as provided in paragraph (c) of this section, beginning on June 1, 2005, and for each year until June 1, 2011, or until the entity produces or imports NR or NRLM diesel fuel meeting the 15 ppm sulfur standard of §80.510(b) or (c), all refiners and importers planning to produce or import NR or NRLM diesel fuel, shall submit the following information to EPA:
   (1) Any changes to the information submitted for the company registration;
   (2) Any changes to the information submitted for any refinery or import facility registration;
   (3) An estimate of the average daily volumes (in gallons) of each sulfur grade of motor vehicle and NRLM diesel fuel produced (or imported) at each refinery (or import facility). These volume estimates must be provided both for fuel produced from crude oil, as well as any fuel produced from other sources, and must be provided for the periods of June 1, 2010 through December 31, 2010, calendar years 2011 through 2013, January 1, 2014 through May 31, 2014, and June 1, 2014 through December 31, 2014;
   (4) If expecting to participate in the credit trading program, estimates of the number of credits to be generated and/or used each year the program.

(b) Reports under this section may be submitted in conjunction with reports submitted under §80.594.

(c) The pre-compliance reporting requirements of this section do not apply to refineries subject to the provisions of §80.513.


§ 80.604 What are the annual reporting requirements for refiners and importers of NRLM diesel fuel?

Beginning with the annual compliance period that begins June 1, 2007, or the first period during which credits are generated, transferred or used, or the first period during which NRLM diesel fuel or heating oil is produced under a small refiner compliance option under this subpart, whichever is earlier, any refiner or importer who produces or imports NRLM diesel fuel...