

separately from NRLM credits, as follows:

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(c) *Records that must be kept by parties in the nonroad, locomotive, and marine diesel fuel and diesel fuel additive distribution systems.* Beginning June 1, 2007, or beginning June 1, 2006 for NRLM diesel fuel produced or imported by a refiner or importer subject to the non-highway baseline starting June 1, 2006 under §§ 80.534 and 80.535, whichever is earlier, any person who produces, imports, sells, offers for sale, dispenses, distributes, supplies, offers for supply, stores, or transports nonroad, locomotive and marine diesel fuel subject to the provisions of this subpart, must keep the following records:

(1) The applicable product transfer documents required under § 80.590;

(2) For any sampling and testing for sulfur content under §§ 80.580 and 80.581 for a batch of NRLM diesel fuel produced or imported and subject to the 15 ppm sulfur standard or any sampling and testing for sulfur content as part of a quality assurance testing program, and any sampling and testing for the cetane index, aromatics content or marker under § 80.582, of NRLM diesel fuel, NRLM fuel additives or heating oil:

(i) The location, date, time and storage tank or truck identification for each sample collected;

(ii) The name and title of the person who collected the sample and the person who performed the testing;

(iii) The results of the tests for sulfur content (including where applicable the test results with and without application of the adjustment factor under § 80.580(a)(6) or other standard content, and the volume of product in the storage tank or container from which the sample was taken; and

(3) The actions the party has taken, if any, to stop the sale or distribution of any nonroad, locomotive or marine diesel fuel found not to be in compliance with the sulfur standards specified in this subpart, and the actions the party has taken, if any, to identify the cause of any noncompliance and prevent future instances of noncompliance.

(d) *Additional records to be kept by refiners and importers of nonroad, locomotive and marine diesel fuel subject to non-highway baseline, credit provisions or small refiner or hardship provisions.* Beginning June 1, 2007, or June 1, 2006, pursuant to the provisions of §§ 80.534 and 80.535, as applicable, any refiner producing diesel fuel subject to a sulfur standard under §§ 80.510, 80.536, 80.554, 80.660 or 80.561 for

each of its refineries, and any importer importing such diesel fuel for each area under § 80.531(a)(5), shall keep records that include the following information for each batch of NRLM diesel 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:

(i) NRLM, NR, LM or heating oil, as applicable;

(ii) Meeting the 500 ppm requirements of § 80.510(a), the 15 ppm requirements of § 80.510(b), the applicable standard under § 80.536, the applicable small refiner standard under § 80.554, or other applicable standard;

(iii) Dyed or undyed with visible evidence of dye solvent red 164; or

(iv) Marked or unmarked with solvent yellow 124.

(5) For foreign refiners, the designations and other records required to be kept under § 80.620.

(6) In the case of importers, the designations and other records required under § 80.592.

(7) Information regarding credits, kept separately for each calendar year calculation period, kept separately for each refinery and importer, and for importers, kept separately for each CTA under § 80.531(a)(5), and kept separately from motor vehicle diesel fuel credits.

(i) The number in the refiner's or importer's possession at the beginning of the of the calendar year;

(ii) The number generated;

(iii) The number 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, in the case of credits generated by an importer the port and CTA of import of the diesel fuel that generated the credits, 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; and

(vi) Commercial documents that establish each transfer of credits from the transferor to the transferee.

(8) The calculations used to determine compliance with the volume percentage requirements of this subpart;

(9) The calculations used to determine the number of credits generated;

(10) A copy of reports submitted to EPA under § 80.599.

(e) *Additional records importers must keep.* Any importer shall keep records that identify and verify the source of

each batch of certified diesel fuel program foreign refiner (DFR)-Diesel and non-certified DFR-Diesel imported and demonstrate compliance with the requirements under § 80.620.

(f) *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 5 years from the date the credits were transferred, and shall be kept by the transferee for 5 years from the date the credits were transferred, used or terminated, whichever is later.

(g) *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.

47. Section 80.594 is amended by revising the section heading to read as follows:

§ 80.594 What are the pre-compliance reporting requirements for motor vehicle diesel fuel?

48. Section 80.597 is revised to read as follows:

§ 80.597 What are the registration requirements?

The following registration requirements apply under this subpart:

(a) *Registration for motor vehicle diesel fuel.* Refiners having any refinery that is subject to a sulfur standard under § 80.520(a), and importers importing such diesel fuel, must provide EPA the information under § 80.76 no later than December 31, 2001, if such information has not been provided under the provisions of 40 CFR Part 80. In addition, for each import facility, the same identifying information as required for each refinery under § 80.76(c) must be provided.

(b) *Registration for nonroad, locomotive and marine diesel.* Refiners and importers that may produce or supply nonroad, locomotive and/or diesel fuel by June 1, 2007, must provide EPA the information under § 80.76 no later than December 31, 2004, if such information has not been provided under the provisions of 40 CFR Part 80. In addition, for each import facility, the same identifying information as required for each refinery under § 80.76(c) must be provided.