

49. A new § 80.598 is added to read as follows:

§ 80.598 What are the pre-compliance reporting requirements for nonroad, locomotive and marine diesel?

(a) Beginning on June 1, 2005, and for each year until June 1, 2009, or until the entity produces or imports nonroad fuel meeting the 15 ppm standard of § 80.510(b), all refiners and importers planning to produce or import nonroad, locomotive or marine 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 annual production or importation, in gallons, of motor vehicle and nonroad, locomotive or marine fuel produced or imported at each refinery or import facility for diesel fuels produced from crude oil, and the volumes of each grade of these fuels from other sources;

(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;

(5) Information regarding engineering plans (e.g., design and construction), the status of obtaining any necessary permits, and capital commitments for making the necessary modifications to produce low sulfur nonroad, locomotive or marine fuel, and actual construction progress. The pre-compliance reports due in 2006 and later years must provide an update of the progress in each of these areas.

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

50. A new § 80.599 is added to read as follows:

§ 80.599 What are the annual reporting requirements for refiners and importers of nonroad, locomotive and marine diesel fuel?

Beginning with the annual compliance period that begins June 1, 2007, or June 1, 2006 for refiners or importers who elects not to dye NRLM fuel starting June 1, 2006, any refiner or importer who produces or imports nonroad, locomotive or marine diesel fuel must submit annual compliance reports for each refinery, or for importer, that contain the information required in this section, and such other information as EPA may require.

(a) *All refiners and importers.* (1) The refiner or importer's company name and the EPA company and refinery registration number, or CTA of import information.

(2) A declaration whether the refiner or importer is electing to dye its NRLM fuel with visible evidence of dye solvent red 164 or whether it is electing to utilize the non-highway baseline under §§ 80.534–80.535 for the compliance period, and if the refiner is a small refiner, a statement of which small refiner option it is subject to.

(b) *Refiners and importers subject to the non-highway baseline.* Refiners for each refinery, or for each importer separately for each CTA, that elects to not dye its NRLM fuel and instead utilize the non-highway baseline:

(1) The total volumes of the following types of fuel produced or imported during the compliance period:

(i) 15 ppm sulfur content motor vehicle diesel fuel and NRLM diesel fuel.

(ii) 500 ppm sulfur content motor vehicle diesel fuel, nonroad diesel fuel or locomotive and marine diesel fuel.

(iii) Heating oil.

(iv) High sulfur NRLM diesel fuel.

(2) The volume percentages under § 80.534 and compliance with the requirement of § 80.534(d)(2).

(c) *Small refiners.* (1) For each refinery of small refiners subject to the provisions of §§ 80.551(g) and 80.554(a) for each compliance period starting June 1, 2007 and ending May 31, 2010, report:

(i) The total volume of NRLM diesel fuel produced that is exempt from the sulfur standard of § 80.510(a).

(ii) The total volume NRLM diesel fuel produced as defined in § 80.534.

(iii) The volume of NRLM diesel fuel produced having a sulfur content of 500 ppm or less.

(iv) The total volume, if any, of NRLM diesel fuel subject to the 500 ppm sulfur standard that had a sulfur content exceeding 500 ppm.

(2) For each refinery of small refiners subject to the provisions of §§ 80.551(g) and 80.554(b), for each compliance period starting June 1, 2010 and ending May 31, 2014, report:

(i) The total volume of NRLM diesel fuel produced subject to the 500 ppm sulfur standard of § 80.510(a).

(ii) The total volume NRLM diesel fuel produced as defined in § 80.534.

(iii) The total volume of locomotive or marine diesel fuel marked under § 80.510(c).

(iv) The volume of NRLM diesel fuel produced having a sulfur content of 15 ppm or less.

(v) The total volume, if any, of NRLM diesel fuel subject to the 15 ppm sulfur standard that had a sulfur content in excess of 15 ppm.

(3) For each refinery of a small refiner that elects to produce NRLM diesel fuel

subject to the 15 ppm nonroad diesel fuel starting June 1, 2006 under §§ 80.551(g) and 80.554(d) for each compliance period report:

(i) The total volume of NRLM diesel fuel produced having a sulfur content of 15 ppm or less.

(ii) The total volume of NRLM diesel fuel produced as defined under § 80.534.

(iii) The total percentage of NRLM as defined under § 80.534 produced having a sulfur content of 15 ppm or less.

(iv) The number of credits purchased, if any, to cover any deficit as provided in § 80.554(d)(3).

(v) A report of the small refiner's progress toward compliance with the gasoline standards under §§ 80.240 and 80.255.

(d) *Credit generation and use.*

Information regarding the generation, use, transfer and retirement of credits, separately by refinery and for importers separately by CTA, including:

(1) The number of credits at the beginning of the compliance period;

(2) The number of credits generated;

(3) The number of credits used;

(4) If any credits were obtained from or transferred to other refineries or import ports, for each other refinery or importer, the name, address, the EPA company registration number, and the number of credits obtained from or transferred to the other party;

(5) The number of credits retired; and

(6) The credit balance at the start and end of the compliance period.

(e) *Batch reports.* For each batch of motor vehicle diesel fuel, nonroad, locomotive and marine diesel fuel and heating oil produced or imported during the compliance period under paragraphs (b) and (c) of this section:

(1) The batch volume.

(2) The batch number assigned using the batch numbering conventions under § 80.65(d)(3) and the appropriate designation under § 80.523.

(3) The date of production or import.

(4) For each batch provide the information specified in paragraph (b)(1) of this section.

(5) The sulfur content and cetane and aromatics content of the fuel;

(6) Whether the batch was dyed with visible evidence of dye solvent red 164 before leaving the refinery or import facility or was undyed.

(7) Certification that any batch of heating oil produced or imported under the provisions of § 80.534 starting June 1, 2006 or June 1, 2007, as applicable, through May 31, 2010 was marked with the specified chemical marker pursuant to § 80.510(c) or any batch of locomotive and marine diesel fuel produced or imported starting June 1, 2010 through