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INFORMATION COLLECTION REQUEST (ICR)
United States Environmental Protection Agency (EPA)
Part A of the Supporting Statement
January 2020

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title: Reformulated Gasoline and Conventional Gasoline:
Requirements for Refiners, Oxygenate Blenders, and Importers of
Gasoline; Requirements for Parties in the Gasoline Distribution Network
EPA ICR No. 1591.27, OMB Control No. 2060-0277

1(b) Abstract

Gasoline combustion is the major source of air pollution in most urban areas. In the 1990 amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. (Ozone is also known as smog.) Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be “dumped” into the remainder of the country’s gasoline, known as conventional gasoline (CG). The Environmental Protection Agency (EPA) promulgated regulations at 40 CFR part 80, subpart D - Reformulated Gasoline, subpart E - Anti-Dumping, and subpart F - Attest Engagements, implementing the statutory requirements, which include standards for RFG (80.41) and CG (80.101). The regulations also contain reporting and recordkeeping requirements for the production, importation, transport and storage of gasoline, in order to demonstrate compliance and facilitate compliance and enforcement. The program is run by the Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation. Enforcement is done by the Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance. This program exempts refiners from certain recordkeeping and reporting for California gasoline, as the state has separate requirements and compliance oversight related to its gasoline.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 211(k) of the Act requires the Administrator to promulgate regulations establishing requirements for RFG to be used in gasoline-fueled vehicles in the nine specified nonattainment areas, and opt-in areas. The Act specifically provides that recordkeeping, reporting, and sampling and testing requirements are among the tools EPA may use in enforcement of the provisions and provides that EPA must develop an enforceable scheme. Sections 114 and 208 of the Clean Air Act, 42 U.S.C. §§ 7414 and 7542, authorize EPA to

require recordkeeping and reporting regarding enforcement of the provisions of Title II of the Clean Air Act.

Congress mandated, at § 211(k)(1), that the RFG regulations "shall require the greatest reduction in emissions of ozone forming volatile organic compounds (VOCs) (during the high ozone season) and emissions of toxic air pollutants (during the entire year) achievable through the reformulation of conventional gasoline" There are also requirements for oxygenate content, limitations on emissions of oxides of nitrogen, benzene content and toxics. The Act also provides for RFG certification procedures and for EPA determination of baseline emission levels.

The Act provides for credits for some RFG parameters, and for the application and transfer of such credits. The Act specifies, at § 211(k)(7)(C), that regulations concerning credits "shall ensure the enforcement of the requirements for the issuance, application and transfer of the credits." The regulations must prohibit oxygen and benzene credits to the extent such credits would result in average oxygen or benzene levels that exceed the levels that would exist in the absence of a credit program.

The Act also requires, at § 211(k)(8)(A), that the Administrator must promulgate "anti-dumping" rules to ensure that gasoline sold outside the areas covered by the RFG requirements "does not result in average per gallon emissions . . . of [various] pollutants in excess of such emissions of such pollutants attributable to gasoline sold or introduced into commerce in calendar year 1990 by that refiner, blender, or importer." The Act requires that the regulation prohibit the sale of CG in any RFG covered area and requires the segregation of CG.

The purpose of the RFG and Anti-Dumping rule is to implement the Congressional mandate to reduce levels of various pollutants in the control areas and to prevent the increase of specified pollutants from CG in the remainder of the country. Without the recordkeeping and reporting requirements of the rule, Congressional intent to improve air quality with RFG would be thwarted because neither EPA nor industry would have enough information to monitor compliance. Because the Act's requirements create a significant economic incentive for noncompliance, noncomplying fuel would likely be introduced into commerce on a wide-spread basis, but for requirements that make it possible for EPA to cross-check records of various entities in order to determine compliance. Industry had expressed a desire for EPA to create an enforcement scheme that will be effective. Noncomplying parties would enjoy a great competitive advantage if EPA could not effectively enforce the rule.

It should be noted that in the prior Terms of Clearance for this ICR, OMB stated: "In accordance with 5 CFR 1320, the information collection is approved for three years with the following terms of clearance: EPA will further evaluate whether there are additional opportunities for streamlining the existing RFG and anti-dumping requirements to reduce the collection burden on regulated parties and the Agency prior to the next submission of this collection." In response to this, EPA is currently working on a comprehensive fuels regulatory streamlining that would update and replace all existing fuels regulations in 40 CFR Part 80, except Subpart M (Renewable Fuel Standard, "RFS"). These streamlined regulations would be in a new Part 1090 and will be proposed imminently. The notice of proposed rulemaking will

propose to reduce the number of fuels characteristics ("parameters") that respondents must test for and/or report to the agency. As part of the fuels regulatory streamlining, EPA has prepared a new information collection and new form instructions for submission to OMB. We anticipate that the new forms will be fewer in number, will contain fewer items of data, and will be much easier for respondents to fill out and submit. We also anticipate reducing the frequency of collection - for example, we will propose that quarterly batch reporting would be simplified and become annual under a streamlined approach. When the new Part 1090 streamlining regulations are finalized and the new information collection approved, we would seek to discontinue several existing Part 80 information collections, including this RFG and Anti-Dumping collection.

2(b) Practical Utility/Uses of the Data

The collection of information is necessary for the proper performance of the functions of the Agency and have practical utility. Section 211(k) of the Act specifically recognizes the need for recordkeeping, reporting and sampling/testing requirements for enforcement of this program. This is understandable given the complicated performance requirements and the averaging and trading provisions set forth in the Act. These provisions make it impossible for EPA to determine compliance merely by taking samples of gasoline at various facilities, unlike some other fuels programs. Moreover, in the negotiated regulation process, EPA agreed to accept industry's desire for national averaging, credits, yearly averaging periods, etc. EPA cannot enforce the regulations, as negotiated, without the recordkeeping controls included in the rule, some of which were specifically agreed to by industry (e.g., covered area sampling and testing surveys and quarterly RFG refiner reporting). For example, EPA believes the attest procedures (discussed later) have led to discovery of significant violations and the prevention of future violations and believes that this process is very important. Further, the World Trade Organization ruled that the original RFG regulations discriminated against foreign refiners. EPA revised the RFG regulations to be GATT-consistent. If EPA could not use these enforcement tools for domestic refineries it would not be able to use them for foreign refineries. This would greatly hinder EPA's ability to regulate foreign refiners.

A past fuels program involving credits (the lead phase-down program) proved very difficult to enforce, in part because of the lack of express recordkeeping requirements other than summary reports and would have been impossible to effectively enforce without the auditing of regulated parties' records and the regulatory reporting requirements. EPA was also helped in that program by the existence of lead-producers sales records and reports and other outside information that allowed EPA to cross-check refiners' records and reports. Such records exist for RFG only because of the requirements of the rule. Enforcement of the lead phase-down program was relatively simple in comparison to the RFG program. In the RFG program, it is unlikely that, in the absence of specific record keeping requirements, all companies, especially violators, would maintain the records necessary for EPA to determine compliance. This absence of records would result partially from normal business record keeping practices, as well as sloppy record keeping, and other practices designed to withhold needed information from EPA and from other industry entities in need of information.

The anti-dumping provision of the Act applies nationally to refiners and importers. This provision, which is based on average emission characteristics of gasoline in comparison with the

characteristics of 1990 baseline gasoline, would be impossible to enforce without recordkeeping and reporting requirements. However, the requirements are significantly less than for RFG and almost all the reporting burden and almost all the recordkeeping burden is at the refinery level.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

The information collection request is not unnecessarily duplicative of information otherwise reasonably accessible to the Agency. The information requested is not available from other sources since it is information for a type of product which has not been tracked previously (the RFG regulations went into effect January 1, 1995).

3(b) Public Notice

A Federal Request Notice was published on August 20, 2019 (84 FR 43124) announcing a 60-day public comment period. No comments were received.

3(c) Consultations

The EPA reached out to the following eight respondents for their opinions on whether the collection is necessary, the accuracy of burden estimates, and suggestions for improving the collection:

Exxon Mobil Corporation

22777 Springwoods Village Parkway
Spring, TX 77389
(832) 824-2485

United Refining Company

P.O. Box 780 (Bradley & Dobson Streets)
Warren, PA 16365
(814) 726-4756

Ventura Refining and Transmission LLC

301 NW 63rd Street
Suite 320
Oklahoma City, OK 73116
(405) 418-0300 Ext. 234

Valero Refining Company - California

P.O. Box 696000

San Antonio, TX 78269-6000
(210) 345-5967

Phillips 66 Company

3010 Briarpark Drive
Houston, TX 77042
(823) 765-1780

Wyoming Refining Company

1600 Broadway, Suite 2300
Denver, CO 80202-4923
(307) 746-4445 Ext. 123

Toledo Refining Company LLC

1819 Woodville Road
Oregon, OH 43616
(419) 697-6415

Montana Refining Company, Inc.

1900 10th Street N.E.
Great Falls, MT 59404-1955
(406) 761-4100

The Valero Refining Company responded and stated that the collection was reasonable and did not provide additional feedback.

3(d) Effects of Less Frequent Collection

The recordkeeping and reporting required by this information collection was developed as part of a negotiated rulemaking process in 1994. Most reporting is either quarterly or annual in nature and is required in order to facilitate the discovery and correction of violations. The respondents to this information collection are mostly large entities such as refiners, importers, and oxygenate blenders and the recordkeeping and reporting has been designed to match their customary business practices (CBP) as much as possible.

Over time, the process of reporting has become more simplified, with the use of a unified reporting form (URF) for which parties fill in only the individual data elements that are applicable to their activity and required. (Data elements are individual items of information -

e.g., the sulfur content of a batch of gasoline or the date upon which that batch was produced.) The individual frequency of reporting (quarterly and annual) is designed to ensure that the environmental compliance goals of the regulation are met. Less frequent reporting would jeopardize these goals.

3(e) General Guidelines

Required records are to be kept for five years. EPA believes that all records required to be kept by the regulation need to be kept for at least five years since that is the relevant statute of limitations under the Clean Air Act. Retention of records for five years creates no added or different burden on these entities, who typically retain records for that same period, and the same record retention period is common across all fuels regulations and familiar to the respondents. The proposed collection does not include any other activities listed in 1320.5(d)(2) as requiring special justification.

3(f) Confidentiality

Information claimed as "confidential business information" (CBI) is handled in accordance the regulations covering CBI at 40 CFR 2 and in accordance with Agency policies and guidelines for the handling of information claimed as CBI. Most of the information submitted is claimed as CBI by the submitter, and the electronic forms have a simple method (a field) for indicating this claim. Registration and reports are submitted via dedicated and secure registration and reporting systems. These systems are provided and maintained for this purpose by EPA.

3(g) Sensitive Questions

There are no sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) Respondents/SIC/NAICS Codes

Recordkeeping and, in some cases, reporting are required by the following gasoline marketing-related industries, Standard Industrial Classification (SIC) codes: refiners (2911), importers (5172), terminals (5171), pipelines (4613), truckers and other distributors (4212), and retailers/wholesale purchaser-consumers (5541). North American Industry Classification System (NAICS) codes: refiners (324110), pipelines (486910) and terminals (424710). Not all NAICS codes for the responsible reporting parties were found. These are, however, parties which are obligated to report: importers, truckers and other distributors and retailers/wholesale purchaser-consumers. Some refiners are importers but that is not always the case. Many of the required records are generated and maintained currently in the normal course of business. Without the

required records EPA would be unable to enforce the Congressionally mandated RFG and anti-dumping requirements.

4(b) Information Requested

1. Data Items

Knowledge of the following definitions at 40 CFR 80.2 is important for a thorough understanding of the reporting and recordkeeping requirements:

“Gasoline” means any fuel sold in any State (State means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

“Refinery” means a plant in the United States at which gasoline or diesel fuel is produced.

“Foreign Refinery” means a refinery that is located outside the United States.

“Refiner” means any person who owns, leases, operates, controls, or supervises a refinery.

“Importer” means a person who imports gasoline, gasoline blending stocks or components, or diesel fuel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

“Gasoline Blending Stock or Component” means any liquid compound which is blended with other liquid compounds to produce gasoline.

“Reformulated Gasoline” means any gasoline whose formulation has been certified under 40 CFR 80.40 and which meets each of the standards and requirements prescribed under 80.41.

“Conventional Gasoline” means any gasoline which has not been certified under 40 CFR 80.40.

“Batch of reformulated gasoline” means a quantity of reformulated gasoline which is homogeneous regarding those properties and are specified for reformulated gasoline certification.

“Reformulated gasoline credit” means the unit of measure for the paper transfer of oxygen or benzene content resulting from reformulated gasoline which contains more than 2.1 weight percent oxygen or less than 0.95 volume percent benzene.

“Oxygenate” means any substance which, when added to gasoline, increases the oxygen content of that gasoline, and complies with EPA restrictions on oxygenates.

“Reformulated Gasoline Blendstock for Oxygenate Blending (RBOB)” means a petroleum product which, when blended with a specific type and percentage of oxygenate, meets the definition of reformulated gasoline, and to which the specific type and percentage of oxygenate is added other than by the refiner or importer of the RBOB at the refinery or import facility where the RBOB is produced or imported.

“Oxygenate Blending Facility” means any facility (including a truck) at which oxygenate is added to gasoline or blendstock, and at which the quality or quantity of gasoline is not altered in any other manner except for the addition of deposit control additives.

“Oxygenate Blender” means any person who owns, leases, operates, controls, or supervises an oxygenate blending facility, or who owns or controls the blendstock or gasoline used, or the gasoline produced at an oxygenate blending facility.

“FRGAS “ (“Foreign Refinery Gasoline”) means gasoline produced at a foreign refinery that has been assigned an individual refinery baseline and that is imported into the United States.

“Non-FRGAS” means gasoline that is produced at a foreign refinery that has not been assigned an individual refinery baseline, gasoline produced at a foreign refinery with an individual refinery baseline that is not imported into the United States, and gasoline produced at a foreign refinery with an individual baseline during a year when the foreign refiner has opted to not participate in the FRGAS program.

“Certified FRGAS” means conventional FRGAS the foreign refiner intends to include in the foreign refinery’s NO_x and exhaust toxics anti-dumping compliance calculations and does include in these compliance calculations when reported to EPA.

“Non-certified FRGAS” means FRGAS that is not certified FRGAS. Non-certified FRGAS will be regulated through the importer. If the importer classifies it as reformulated gasoline, it will have to meet the reformulated gasoline requirements. If the importer classifies it as conventional gasoline, it will have to meet the importer’s compliance baseline for conventional gasoline.

REPORTING REQUIREMENTS

EPA provides and maintains the information systems required to register (OTAQReg) and report (the EPA Moderated Transaction System, or EMTS, and DCFUEL). Compliance reporting is submitted via the EPA Central Data Exchange, or CDX, which is a secure means of submitting the information. The following paragraphs described the reporting requirements under this information collection.

Registration - Registration on a company and facility level is required for any refiner, importer, or oxygenate blender that produces or imports reformulated gasoline (80.76), any refiner or importer that produces or imports conventional gasoline (80.103), and any foreign refiner in the FRGAS program (80.94(c)). The information required to be submitted is specified at 80.76. Importers may register on a Petroleum Administration District for Defense (PADD) basis. All registration is completed electronically through the OTAQReg system provided and maintained by EPA.

The following paragraphs describe the reporting requirements under the RFG and Anti-Dumping program. Form numbers are indicated where applicable. As described above, the reporting format is the URF, which is a common spreadsheet. The form instructions describe the individual items of information to be entered on the URF and submitted to EPA. (By having specific form instructions based upon the respondents' actual activities, we can target necessary reporting and reduce unnecessary reporting.)

Batch and Designation - A report is required for each batch of RFG and each batch of RBOB (80.65(e), 80.75). (Each refiner or importer shall determine the value of each of the properties specified at 80.65(e)(2)(i) for each batch it produces or imports prior to the batch leaving the refinery or import facility.) A report is required for each batch of CG and each batch of certain blendstocks (80.101(i), 80.105), which are sampled and tested per 80.101(i). A report is required for each batch of FRGAS.(80.94(c) and (s)). Each batch must be designated as RFG, CG, or RBOB in accordance with the requirements at 80.65(d). RFG and RBOB are further designated as VOC-controlled (Region 1 or Region 2) or not VOC-controlled. RFG becomes self-certified when it meets the standards at 80.41. Each batch of imported gasoline shall be classified by the importer as FRGAS or non-FRGAS. Each FRGAS batch shall be classified by the importer as certified FRGAS or non-certified FRGAS (80.94(o)(1)). An oxygenate blender producing RFG shall designate each batch of RFG as meeting the oxygen standard per-gallon or on average. An oxygenate blender producing conventional gasoline or “per gallon” RFG is not subject to this report. The form instruction applicable to these reporting items are the RFG0303, RFG0302, and the 3520-27. Parties consult a list of covered areas to assist them in reporting, this list of covered areas is provided as a form instruction.

Quarterly Reporting for Reformulated Gasoline - Any refiner or importer that produces or imports any RFG or RBOB, any foreign refiner that produces non-certified FRGAS, and any oxygenate blender that produces RFG meeting the oxygen standard on average, shall submit a quarterly report for each refinery or oxygenate blending facility at which such RFG, RBOB, or non-certified FRGAS was produced and for all such RFG or RBOB imported by each importer (80.75, 80.94(c) and (s)). The report shall contain the information specified in 80.75). The form instruction applicable to this item is the RFG0400.

Annual Compliance Designation - Each importer of RFG must file an annual report indicating if RFG compliance will be on an “average” or “per gallon” basis for its facilities. The designation must be the same for each facility of an importer. Each refiner

and oxygenate blender producing RFG must file this report for each facility. However, unlike for an importer, the “average” or “per gallon” option is available for each facility). The form instruction applicable to this requirement is the RFG0500. See 80.65(d)(2)(v).

Conventional Gasoline Anti-Dumping Program Annual Reporting - Any refiner for each refinery or group of refineries at which any conventional gasoline is produced, any importer that imports any conventional gasoline, and any foreign refiner producing certified FRGAS, shall submit an annual report containing the information specified in 80.105). The form instruction applicable to this requirement is the RFG0800.

Reformulated Gasoline Program Toxics Emissions Performance Averaging - Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the toxics emissions performance standard on average (“average reformulated gasoline”) shall submit, with the fourth quarterly report, a report for each facility for such averaged reformulated gasoline that was produced or imported for the year (80.75(e)(1)). The report shall contain the information specified at 80.75(e)(2). The form instruction applicable to this requirement in the RFG0900.

Reformulated Gasoline Program Benzene Content Averaging - Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the benzene content standards on average (“averaged reformulated gasoline”) shall submit with the fourth quarterly report a report for each facility for such averaged reformulated gasoline that was produced or imported during the year (80.75(d)(1)). The report shall contain the information specified at 80.75(d)(2). The form instruction applicable to this requirement is the RFG1000.

Reformulated Gasoline Program NOx Emissions Performance Averaging - Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the NOx emissions performance standard on average (“averaged reformulated gasoline”) shall submit, with the fourth quarterly report, a report for each facility for such averaged reformulated gasoline that was produced or imported during the year (80.75(g)(1)). The report shall contain the information specified at 80.75(g)(2). The form instruction applicable to this requirement is the RFG1200.

Reformulated Gasoline Program VOC Emissions Performance Averaging - Any refiner or importer that produced or imported any reformulated gasoline or RBOB that was to meet the VOC emissions performance standard on average (“averaged reformulated gasoline”) shall submit, with the third quarterly report, a report for each facility for such averaged reformulated gasoline produced or imported during the previous VOC averaging period (80.75(c)(1)). The report shall contain the information specified at 80.75(c)(1) and (2). The form instruction applicable to this requirement is the RFG1300.

Reformulated Gasoline Program Averaging Areas - Any refiner or oxygenate blender that produced or imported any reformulated gasoline that was to meet any reformulated gasoline standard on average (“averaged reformulated gasoline”) shall, for each refinery and oxygenate blending facility at which such averaged reformulated gasoline was produced, submit with the fourth quarterly report, a report that contains the identity of

each covered area that was supplied with any averaged reformulated gasoline produced at each refinery or blended by each oxygenate blender during the year (80.75(i)). The form instruction applicable to this requirement is the RFG1400. Parties also consult the list of covered areas, which is posted to the EPA website as a form instruction.

Reformulated Gasoline Program Credit Transfer Summary - Any refiner, oxygenate blender, or importer, shall, for each facility, supply the information specified at 80.75(h) with the fourth quarterly report, for any oxygen or benzene credits that are transferred during the year. The form instruction applicable to this requirement is the RFG1600. After publishing the first notice for this ICR we recognized that some requirements were added through rulemaking. No comments were received on the first notice. Their burden is now included.

RFG and Anti-Dumping Annual Benzene (MSAT-2) - A separate RFG and Anti-Dumping Annual Benzene Report must be submitted for each gasoline refinery (facility) and aggregated for all import activity as specified at 80.1354. This report is used to demonstrate compliance as well as credit generation, trading and usage. MSAT-2 batch reporting requirements are met through the submission of RFG and Anti-Dumping batch reports. The form instruction applicable to this requirement is RFG2000.

MSAT-2 Credit Transfer - A company must submit a separate Credit Transfer Report for each transaction of credits in conduct during a given averaging year. Also, a single transaction may be of only one credit type for a single creation year. See EPA site (<http://www.epa.gov/otaq/fuels/reporting/rfg.htm>). The form instruction applicable to this requirement is RFG2200.

MSAT-2 Gasoline Benzene Pre-Compliance – Except as provided in 40 CFR 80.132 a refiner for each of its refineries shall submit the information required in the report, as applicable, beginning June 1, 2008 and annually thereafter. Additional information required under 80.1352 must be submitted as a supplement to this report. This includes information regarding engineering plans, permit status, information regarding the selected technology pathway for compliance, whether capital commitments have been made or are projected. See EPA site (<http://www.epa.gov/otaq/fuels/reporting/rfg.htm>). The form instruction applicable to this requirement is RFG2500.

Gasoline Sulfur and Benzene Batch Reporting – A separate batch report must be submitted for each batch of gasoline produced or imported during the averaging period. Batches reported under RFG and Anti-Dumping Programs do not need to be reported on this form; except in the case of composite sample of conventional gasoline representing multiple batches produced after December 31, 2003. In this case, the information in this report must be provided for each of the individual batches of conventional gasoline making up the composite sample. The form may be used to meet the batch reporting requirements for the Tier 2 Gasoline Sulfur Program (80.370(a)(7)), Tier 3 Gasoline Sulfur Program (per 80.1652(a)(7)) and/or the MSAT-2 Benzene Program (80.1354 (b) (1)). Approved Foreign Refiners producing credits must report individual batches. (The

applicable form is GSF0402, was approved under OMB Control Number 2060-0437, with renewal currently under OMB review.)

Independent Analysis (Sampling and Testing) - Any refiner or importer of reformulated gasoline or RBOB shall engage an independent laboratory to carry out a program of sample collection and analyses for the reformulated gasoline or RBOB it produces or imports (80.65(f)). The laboratory shall submit quarterly reports to EPA containing the information specified in 80.65(f). A refinery that uses computer-controlled in-line blending equipment and has received an exemption from EPA (see the next reporting requirement concerning the necessary petition for the exemption) has a separate set of requirements, as specified at 80.65(f), including an annual report submitted by an independent auditor.

In-line Blending Petitions - Any refiner that produces reformulated gasoline using computer-controlled in-line blending equipment may petition to be exempt from the independent analysis requirement directly above and the requirement to obtain test results for each batch prior to the gasoline leaving the refinery (80.65(f)(4)). The petition shall contain the information specified at 80.65(f)(4)(i). As this is a petition and specific to the respondents' situation, there is no form.

Compliance Survey - Any refiner, oxygenate blender, or importer of reformulated gasoline or RBOB for which compliance with one or more of the standards is determined on average, is required to conduct or participate in compliance surveys (with samples procured from retail outlets, etc. in a covered area) and submit survey approval plans and reports as specified in 80.67 and 80.68. The compliance survey is submitted by a single entity, the RFG Survey Association, on behalf of all respondents. It does not have a form.

Petitions by Refiners, Importers, or Oxygenate Blenders Who Chose Not to Participate in Compliance Surveys but Wish to Achieve Compliance for Benzene or Oxygen on Average - Any refiner, importer, or oxygenate blender may so petition by submitting the information specified at 80.67(a)(2)(B). These do not have a form.

Attest Engagement - Any refiner and importer of any reformulated gasoline, conventional gasoline, or RBOB, any foreign refiner of FRGAS, and any oxygenate blender of any RBOB who meets the oxygen content on average, shall have the reformulated gasoline, conventional gasoline, and RBOB it produced, imported, or blended during each calendar year, audited by an independent certified public accountant for compliance in accordance with the requirements of 40 CFR 80, Subpart F (80.65(h), 80.105(c)). Additional requirements for FRGAS are at 80.94(h). A report of the compliance audit is to be submitted to EPA by June 1 of each year for the preceding calendar year 80.75(m).

For previous clearance, a burden was included for Foreign Refinery Base Line Petitions. The regulatory deadline for submitting a petition has passed and therefore is no longer any reporting burden for this provision.

Independent Third Party FRGAS - On each occasion that FRGAS is loaded onto a vessel for transport to the United States, a foreign refiner shall have an independent third party prepare and submit a report to EPA in accordance with the requirements at 80.94(f) and (s). For each FRGAS batch, the United States importer shall submit a report containing the information specified at 80.94(o)(3) and developed by an independent third party. The applicable form instruction is 3520-27.

Information Reported in Response to an EPA Audit - A foreign refiner which has been audited by EPA may be required to submit information as specified at 80.94(i) and (s).

Petitions to Augment the Complex Emission Model Through Vehicle Testing - If a refiner, importer, or oxygenate blender wishes to claim emissions benefits from gasoline parameters not included in the complex model, or for a gasoline whose parameters fall outside those of the complex model, a petition must be submitted in accordance with the requirements of 80.48.

Submission of a Report, Upon EPA Request, of Records Required to be Maintained Under 80.74 or 80.104 - The specified records shall be submitted to EPA upon EPA request (80.74, 80.104).

Quality Assurance Sampling and Testing for RFG Oxygenate Blenders - Oxygenate blenders who produce RFG are required to develop the data specified at 80.69.

Voluntary Quality Assurance Programs by Parties in the Distribution System (excluding retailers and wholesale purchaser consumers) - As a defense against liability for violations, parties may perform a quality assurance program and develop data as specified at 80.79(c).

Individual Baseline Determinations - Baselines must be determined for newly registered domestic refineries in accordance with the requirements at 80.91.

The following table lists the forms and instructions applicable to this information collection. The Unified Reporting Form (URF) is a simple method to submit the information required by each reporting instruction.

Report Name	Submitter(s)	Instructions for Submitting	Form
<p>Registration - new applicant</p> <p>(legacy paper form was EPA Form 3520-20A and 20B; <u>paper forms are no longer used; legacy form numbers are given for convenience / reference purposes</u>)</p>	<p>Producers and importers of reformulated gasoline, RBOB, conventional gasoline, or CBOB</p>	<p>OTAQREG Instructions at:</p> <p>https://www.epa.gov/fuels-registration-reporting-and-compliance-help/how-register-new-company-facility-or-user-part-80</p>	<p>OTAQ REG system</p>
<p>Registration - applicant requiring update (e.g. change of address)</p> <p>(legacy paper forms were EPA Form 2520-20A and 20B)</p>	<p>Producers and importers of reformulated gasoline, RBOB, conventional gasoline, or CBOB</p>	<p>OTAQREG Instructions at:</p> <p>https://www.epa.gov/fuels-registration-reporting-and-compliance-help/how-update-existing-companies-facilities-and-users</p>	<p>OTAQ REG system</p>
<p>RFG0303: Reformulated Gasoline and Anti-Dumping Batch Report</p> <p>(legacy paper form was EPA Form 3520-20C)</p>	<p>Producers and importers of reformulated gasoline (RFG), RBOB, conventional gasoline, or CBOB</p>	<p>Instructions for RFG0303*</p>	<p>Unified Report Form</p>
<p>RFG0302: Reformulated Gasoline and Anti-Dumping Batch Report</p> <p>(also corresponds to legacy paper form 3520-20C; this is a version for the occasional companies who need to resubmit prior data - e.g., if they find an error)</p>	<p>Producers and importers of reformulated gasoline (RFG), RBOB, conventional gasoline, or CBOB</p>	<p>Instructions for RFG0302</p>	<p>Unified Report Form</p>

Report Name	Submitter(s)	Instructions for Submitting	Form
RFG0400: Reformulated Gasoline and Anti-Dumping Quarterly Summary (3520-20D)	Producers and importers of reformulated gasoline (RFG), RBOB, conventional gasoline, or CBOB	Instructions for RFG0400	Unified Report Form
RFG0500: Reformulated Gasoline and Anti-dumping Annual Compliance Designation (3520-20E)	Producers and importers of reformulated gasoline (RFG)	Instructions for RFG0500	Unified Report Form
RFG0800: Anti-Dumping Program Annual Report (3520-20H)	Producers and importers of conventional gasoline	Instructions for RFG0800	Unified Report Form
RFG0900: Reformulated Gasoline Toxics Emissions Performance Averaging Report (3520-20I)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG0900	Unified Report Form
RFG1000: Reformulated Gasoline Program Benzene Content Averaging Report (3520-20J)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG1000	Unified Report Form
RFG1200: Reformulated Gasoline Program	Producers and importers of	Instructions for RFG1200	Unified Report Form

Report Name	Submitter(s)	Instructions for Submitting	Form
NOx Emissions Performance Averaging Report (Complex Model) (3520-20L)	reformulated gasoline (RFG) and RBOB		Form
RFG1300: Reformulated Gasoline Program VOC Emissions Performance Averaging Report (3520-20M)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG1300	Unified Report Form
RFG1400: Reformulated Gasoline Program Averaging Areas Report (3520-20N)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG1400	Unified Report Form
RFG1600: Reformulated Gasoline Program Credit Transfer (Report (Complex Model)) (3520-20P)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG1600	Unified Report Form

Report Name	Submitter(s)	Instructions for Submitting	Form
RFG1700: Reformulated Gasoline Program Oxygen Content Averaging Report (Complex Model) (3520-20Q)	Producers and importers of reformulated gasoline (RFG) and RBOB	Instructions for RFG1700	Unified Report Form
RFG1800: Pentane and Butane Batches Blended with Reformulated Gasoline and Conventional Gasoline Batch Report (5900-345)	Producers and importers who blend butane with reformulated gasoline (RFG) or conventional gasoline	Instructions for completing the RFG1800: Pentane and Butane Batches Blended with Reformulated Gasoline and Conventional Gasoline (PDF)	Unified Report Form
RFG1900: Additional Annual Reporting Requirements for Refiners that Blend Butane or Pentane	Producers (refiners) that blend butane or pentane	Instructions for completing the RFG1900: Additional Annual Reporting Requirements for Refiners that Blend Butane or Pentane (PDF)	Unified Report Form
RFG2000: RFG & Anti-Dumping Annual Benzene	Producers and importers of reformulated gasoline	Instructions for RFG2000	Unified Report Form

Report Name	Submitter(s)	Instructions for Submitting	Form
Report (MSAT-2) ("newer" and doesn't have legacy form number; from RFG2000 on up, it was all electronic)	(RFG), RBOB, conventional gasoline, or CBOB		
RFG2200: MSAT-2 Credit Transfer Report (MSAT-2)	Producers and importers of reformulated gasoline, RBOB, conventional gasoline, or CBOB	Instructions for RFG2200	Unified Report Form
RFG2500: MSAT-2 Precompliance Report (MSAT-2)	Producers and importers of reformulated gasoline, RBOB, conventional gasoline, or CBOB	Instructions for RFG2500	Unified Report Form
3520-27: Load Port/Port of Entry Independent Sampling, Testing and Refinery/Importer Identification Form	Importers of foreign refinery gasoline (FRGAS)	Instructions for Form 3520-27	Form 3520-27
GSF0402: Facility Gasoline and Benzene Summary Report (5900-321)	Producers and importers of conventional gasoline, or CBO, oxygenate producers or importers, transmix producers	Instructions for Form GSF0402 at https://www.epa.gov/sites/production/files/2017-05/documents/gsf0402.pdf .	Unified Report Form
Attest Engagement	Producers and importers of reformulated gasoline, RBOB, conventional gasoline, or CBOB	Attest Engagement Guidance posted at: https://www.epa.gov/fuels-registration-reporting-and-compliance-help/how-report-attest-engagements -and- https://www.epa.gov/fuels-registration-	CBP; may use web

Report Name	Submitter(s)	Instructions for Submitting	Form
		reporting-and-compliance-help/ program-specific-instructions-attest- engagements	format.

RECORDKEEPING REQUIREMENTS

Product Transfer Documents (PTDs) - On each occasion when any person transfers custody or title to any reformulated gasoline or RBOB, other than when gasoline is sold or dispensed for use in motor vehicles at a retail outlet or wholesale purchaser-consumer facility, the transferor shall provide to the transferee documents which include the information specified at 80.77. On each occasion when any person transfers custody or title to any conventional gasoline, the transferor shall provide to the transferee documents which include the information specified at 80.106. On certain occasions, per 80.102(d)(2)(ii), such documents are required for blendstocks and must include the information at 80.106(b). PTDs are records generated and used in the normal course of business and must be retained for five years.

Reformulated Gasoline or RBOB - All parties in the gasoline distribution network, as described in 80.74, shall retain the records specified in 80.74 for five years (80.74).

Conventional Gasoline - Any refiner or importer shall retain records containing the information specified in 80.104 for five years (80.104).

(ii) Respondent Activities

The following are required:

1. Read and comprehend the regulations and instructions on completing the forms.
2. Train personnel to meet the requirements, employing new technologies if warranted.
3. Develop the information that is not already available.
4. Gather and organize the information.
5. Review the information, perform quality assurance, and take corrective action, if necessary, to meet the regulatory requirements.
6. Report the information to EPA, on forms as appropriate, and/or retain the information, as specified in the regulations.

5. THE INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

The following are required:

1. Develop a thorough understanding of the regulatory requirements. Prepare guidance documents and forms.

2. Convey the requirements in a manner that is understandable. Emphasize the benefits of submitting data electronically.
3. Respond to inquiries.
4. Provide access to the regulations, guidance documents, and forms.
5. Review the submitted information prior to data entry for compliance with submission requirements.
6. Contact the respondent when the information has not been submitted properly and provide guidance on correction of the problem.
7. Maintain and refine hardware and software systems for handling confidential data via hard copy and electronically.
8. Input information into databases and store the information.
9. Perform data analysis and identify violations.

5(b) Collection Methodology and Management

The information collection has been developed by EPA offices that have planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance the utility of the information for the Agency and the public. The information collection, to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, Agency efficiency, and responsiveness to the public.

EPA has supplied electronic forms for reporting requirements.

The product transfer document information can be included on standard transfer documentation customarily used. Parties may use standard industry codes, except for PTDs given to retail stations or wholesale purchaser-consumers (where the statement associated with the code must be written out). Detailed production documents are already used and maintained by refiners. Forms for refiner/importer testing are short, with the minimum informational requirements to be able to associate the test results with a particular batch of gasoline and its transfer document.

The information is carefully reviewed for compliance with the requirements. Most of the information submitted to the Agency under the collection has been claimed as confidential business information (CBI). It is stored in a secure area and in a secure system.

5(c) Small Entity Flexibility

The information collection reduces to the extent practicable and appropriate the burden on respondents, including small entities. The major reporting requirements apply to refiners and importers of gasoline, which are not small businesses. Some oxygenate blenders are small businesses. If they are blending oxygenate with RBOB, the reporting is simple and straightforward. If they are blending oxygenate with conventional gasoline, there are no reporting requirements. Other small businesses which are covered, gasoline distributors, retailers, and wholesale purchaser consumers, have no mandatory requirements other than maintaining the transfer documents, which is already done in the normal course of business.

6. ESTIMATING THE BURDEN AND THE COST OF THE COLLECTION

6(a) and (b) Estimating Respondent Burden and Costs

Most capital/start-up costs were incurred by industry in 1994/95. However, there is an annualized capital cost for the equipment necessary for the batch testing. Third party activity, the transmittal or storage of product-transfer documents, is a customary business practice. For most reporting requirements, the only operating and maintenance (O&M) costs are EDI transmittal, estimated at \$3 per report. However, some have significant purchased services (PS) costs, as indicated below.

In discussion with industry obligated parties, four labor categories were identified as having involvement: managerial, legal, technical, and clerical. According to the Bureau of Labor Statistics, May 2017, National Industry-Specific Occupational Employment and Wage Estimates mean wages are:

Wages and Benefits

Managerial	\$68.20 per hour
Legal	\$74.10 per hour
Technical	\$66.57 per hour
Clerical	\$22.21 per hour

Doubling for company overhead and, for convenience, rounding to the nearest dollar, gives the following rates that will be used for this ICR:

Total Employer Cost

Managerial	\$136 per hour
Legal	\$148 per hour
Technical	\$133 per hour
Clerical	\$ 44 per hour

The labor mix for the activities above will be about the same for each. It is assumed that for each hour of activity the mix will be about 0.08 hour managerial, 0.02 hour legal, 0.7 hour technical, and 0.2 hour clerical. This gives an average labor cost of about \$116 per hour, which will be used in this ICR. The annual burden estimates given below are based on the number of reports received in 2013, industry contact, and our knowledge of likely industry activity over the next three years. They are presented in the same order as above, but with abbreviated titles. All of the burden is for reporting. The recordkeeping requirements are already customary business practices and thus do not add additional burden. The estimated respondent population is: 75 RFG refineries, 25 RFG import facilities/facility groups, 25 RFG oxygenate blenders (for a total of 125 RFG respondents), 225 CG refineries, 50 CG import facilities/facility groups (for a total of 275 CG respondents), 250 pipelines and terminals in the RFG distribution system that conduct

voluntary quality assurance (QA), 500 truckers in the RFG distribution system that conduct voluntary QA, 25 independent laboratories, 20 auditors, and the RFG Survey Association, Inc.

ANNUAL ESTIMATED REPORTING BURDENS

For most activities the estimate is one hour per report. However, some reports require considerably more time, as estimated below.

<u>Reporting Activity</u>	<u>Number of Respondents</u>	<u>Reports per Respondent/Total</u>	<u>Hours per Report/Total</u>	<u>Labor Costs-\$</u>	<u>Other Costs-\$</u>
Company Registration	10	1/10	1/10	\$1,160	
Facility Registration	20	1/20	1/20	\$2,320	
Batch RFG Reports	125	100/12,500	1/12,500	\$1,450,000	\$3,000,000 (\$24K/resp.) (Half O&M, Half annl. Cap. Cost for Equipment)
Batch CG Reports	275	130/35,750	1/35,750	\$142,689	\$6,600,000 (\$24K/resp.) (Same as Above)
Batch Pre-Cert.	30	20/600	1/600	\$69,600	
Quarterly RFG Cert.	125	4/500	1/500	\$58,000	
Annual CG Cert.	275	1/275	1/275	\$31,900	
Annual RFG Report	125	1/125	1/125	\$14,500	

Annual Toxics Report	100	1/100	1/100	\$11,600	
Annual Benzene Rpt.	100	1/100	1/100	\$11,600	
Annual Nox Report	100	1/100	1/100	\$11,600	
Annual Areas Report	100	1/100	1/100	\$11,600	
Annual Credit Rpt.	100	1/100	1/100	\$11,600	
Annual Oxygen Rpt.	100	1/100	1/100	\$11,600	
Independent Analysis Rpt.	100	4/400	10/4,000	\$464,000	\$2,000,000 (PS)
RFG and Annual Anti-Dumping MSAT-2	80	1/100	1/80	\$9,280	
Credit T. Transfer MSAT-2	80	1/100	1/80	\$9,280	
Benzene Pre-compliance MSAT-2	5	1/100	1/5	\$580	
Sulfur & Benz. Batch Tier 2 and MSAT-2	50	1/100	1/50	\$5,800	

For the following activities, agency-issued forms were never created since it would not be practical. See EPA site (<http://www.epa.gov/otaq/fuels/reporting/rfg.htm>).

Annual In-line Blend Audit	25	1/25	10/250	\$29,000	\$250,000 (PS)
In-line Blend Petitions	2	1/2	200/400	\$46,400	
RFG Survey Report	125	1/125	20/2,500	\$290,000	\$6,000,000 (PS)
Survey Exclusion Petitions	None expected.				
RFG Attest Engagements	125	1/125	120/15,000	\$1,740,000	\$1,250,000 (PS)
CG Attest Engagements	275	1/275	40/11,000	\$1,276,000	\$2,750,000 (PS)
Independent FRGAS Reports	10	25/250	2/500	\$58,000	
Response to EPA Audit	5	1/5	40/200	\$23,200	
Petitions to Augment Complex Model	None expected.				
EPA Request for Records	2	1/2	40/80	\$9,280	
Product Transfer Documents	A customary business practice (CBP), no additional burden.				

QA for RFG Oxy Blenders	25	12/300	10/3,000	\$348,000	\$125,000 (PS) (\$5K/resp.)
Voluntary QA by Parties in RFG Distribution System					
Truckers	500	1/500	10/5,000	\$580,000	\$500,000 (PS)
Refineries/ Importers	100	1/100	10/1,000	\$116,000	\$100,000 (PS)
Pipelines/ Terminals	250	1/250	10/2,500	\$290,000	\$250,000 (PS)
Individual Baseline Determi- nations					
	1	1/1	40/40	\$4,640	
Refiner and Importer QA Requirements for Downstream Oxygenates Blending and Requirements For Pipeline Interface					
	65	1/65	46/2,990	\$346,840	
Gasoline and Benzene Program					
	486	1/486	56/27,216	\$3,157,056	1,888,032 (Half O&M, Half annl. Cap. Cost for Equipment)
Modification of Baselines for Gasoline Produced or Imported For Use in HI, AK, and U. S.					

Territories.	10	1/10	20/200	\$23,200
Annual CG Report	275	1/275	1/275	\$31,900
Annual VOC Report	100	1/100	1/100	\$11,600

TOTALS:

TOTAL NO. OF RESPONDENTS: 4,281

TOTAL NO. OF REPORTS: 54,076

TOTAL BURDEN HOURS: 126,846

TOTAL LABOR COSTS: \$14,737,336

TOTAL O&M COSTS: \$5,744,016

TOTAL PURCHASED SERVICES COSTS: \$13,225,000

TOTAL ANNUALIZED CAPITAL COST FOR EQUIPMENT: \$5,744,016

ESTIMATED TOAL ANUAL COSTS: \$39,450,368

6(c) Estimating Agency Burden and Cost

The Agency activities listed in 5(a) are handled by a contractor personnel for \$520,000 per year, a GS-13 computer specialist for \$160,000 per year (including a 1.6 overhead factor), a GS-13 program analyst for \$160,000 per year, and the equivalent of a GS-14 program manager for \$192,000 per year. Annual for the secure area were the confidential data are stored and analyzed is estimated at \$35,000. Annual computer cost is estimated at \$35,000. Thus, the annual estimated cost to the government is \$1,102,000. The total annual hours for government employees are 3 full time equivalentents (FTE) x 2080 hours/FTE = 6,240 hours.

6(d) and (e) Estimating the Respondent Universe and Total Burden and Costs, and Bottom Line Burden Hours and Costs

This was incorporated into 6(a) and (b).

6(f) Reasons for change in Burden

The burden estimate for each of the listed categories is the same as for the current clearance, with the exception of a reduction of 400 hours and one report due to the expiration of the provision allowing for the submittal of a Foreign Refinery Baseline Petition. Thus, there is a decrease on the hours of estimated burden of 127,246 currently identified in the OMB Inventory of Approved ICR Burdens to 126,846 hours and a decrease in the number of reports from 54,078 to 54,076.

There is an increase in the total burden cost from \$39,223,076 to \$39,450,368 because of an update in labor cost.

6(g) Burden Statement

The public reporting and recordkeeping burden for this collection of information is estimated to average 2.35 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2014-0548, which is available for public viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at <http://www.regulations.gov>. Use this site to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2014-0548 and OMB control No. 2060-0277 in any correspondence.