§ 80.235 How does a refiner obtain approval as a small refiner?

(a) Applications for small refiner status must be submitted to EPA by December 31, 2000, except for applications submitted pursuant to §80.225(d), which must be submitted by June 1, 2002.

(b) Applications for small refiner status must be sent to: U.S. EPA, Attn: Sulfur Program (6406J), 1200 Pennsylvania Ave., NW., Washington, DC 20460.


(c) The small refiner status application must contain the following information for the company seeking small refiner status, plus any subsidiary companies, any parent company and subsidiaries of the parent company, and any joint venture partners:

(i) A listing of the name and address of each location where any employee worked during the 12 months preceding January 1, 1999; the average number of employees at each location based upon the number of employees for each pay period for the 12 months preceding January 1, 1999; and the type of business activities carried out at each location;

(ii) In the case of a refiner who acquires a refinery after January 1, 1999, or reactivates a refinery that was shut down between January 1, 1998, and January 1, 1999, a listing of the name and address of each location where any employee of the refiner worked since the refiner acquired or reactivated the refinery; the average number of employees at any such acquired or reactivated refinery during each calendar year since the refiner acquired or reactivated the refinery; and the type of business activities carried out at each location.

The total corporate crude oil capacity of each refinery as reported to the Energy Information Administration (EIA) of the U.S. Department of Energy (DOE), or, in the case of a foreign refiner, a comparable reputable source, such as a professional publication or trade journal. The information submitted to EIA or the comparable reputable source is presumed to be correct. In cases where a company, domestic or foreign, disagrees with this information, the company may petition EPA with appropriate data to correct the record within 60 days after the company submits its application for small refiner status.

A letter signed by the president, chief operating 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.

§ 80.240 What are the small refiner gasoline sulfur standards?

(a) The gasoline sulfur standards for an approved small refiner are as follows:

<table>
<thead>
<tr>
<th>Refinery baseline sulfur level</th>
<th>Temporary sulfur standards for small refiners applicable from January 1, 2004 through December 31, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 30</td>
<td>Annual average</td>
</tr>
<tr>
<td>30.00</td>
<td>Baseline level</td>
</tr>
<tr>
<td>31 to 200</td>
<td>200.00</td>
</tr>
<tr>
<td>201 to 400</td>
<td>50% of baseline</td>
</tr>
<tr>
<td>401 to 600</td>
<td>300.00</td>
</tr>
<tr>
<td>601 and above</td>
<td></td>
</tr>
</tbody>
</table>

(b) The refinery annual average sulfur standards must be met on an annual calendar year basis for each refinery owned by a small refiner. The refinery annual average sulfur level is calculated in accordance with the provisions of § 80.250.

(c)(1) The refinery annual average standards specified in paragraph (a) of this section apply to the volume of gasoline produced by a small refiner’s refinery up to the lesser of:

(i) 105% of the baseline gasoline volume as determined under § 80.250(a)(1); or

(ii) The volume of gasoline produced at that refinery during the averaging period by processing crude oil.

(2) If a refiner exceeds the volume limitation in paragraph (c)(1) of this section during any averaging period, the annual average sulfur standard applicable to the refiner for that averaging period is calculated as follows:

\[ S_{sr} = \frac{(V_b \times S_b) + (AF \times (V_v - V_b))}{V_a} \]

Where:

- \( S_{sr} \) = Small refiner annual average sulfur standard.
- \( V_b \) = Applicable volume under paragraph (c)(1) of this section.
- \( V_v \) = Averaging period gasoline volume.
- \( S_b \) = Small refiner sulfur baseline as determined under § 80.250.
- \( AF \) = Adjustment factor (120 in 2004; 90 in 2005; and 30 in 2006 and thereafter).