

**§ 80.595**

**40 CFR Ch. I (7-1-10 Edition)**

to refineries subject to the provisions of § 80.513.

[66 FR 5136, Jan. 18, 2001, as amended at 69 FR 39190, June 29, 2004; 70 FR 40896, July 15, 2005]

**§ 80.595 How does a small or GPA refiner apply for a motor vehicle diesel fuel volume baseline for the purpose of extending their gasoline sulfur standards?**

(a) Any small refiner applying for an extension of the duration of its small refiner gasoline sulfur standards of § 80.240, under §§ 80.552(c) and 80.553, any small refiner applying to produce MVDF under § 80.552(a), or any refiner applying for an extension of the duration of the GPA standards under § 80.540 must apply for a motor vehicle diesel fuel volume baseline by December 31, 2001. A separate volume baseline must be sought for each refinery for which application of the provisions of § 80.553 or § 80.540 is sought.

(b) The volume baseline must be sent via certified mail with return receipt or express mail with return receipt to: U.S. EPA-Attn: Diesel Baseline, 1200 Pennsylvania Avenue, NW. (6406J), Washington, DC 20460 (certified mail/return receipt) or Attn: Diesel Baseline, Transportation and Regional Programs Division, 501 3rd Street, NW. (6406J), Washington, DC 20001 (express mail/return receipt).

(c) The motor vehicle diesel fuel volume baseline application must include the following information:

(1) A listing of the names and addresses of all refineries owned by the refiner for which the refiner is applying for a motor vehicle diesel fuel volume baseline.

(2) The average annual volume (in gallons) of motor vehicle diesel fuel produced for U.S. use in 1998 and 1999, for each refinery for which the refiner is applying for such baseline, calculated in accordance with § 80.596. The refiner shall follow the procedures, applicable to volume baselines and using motor vehicle diesel fuel instead of gasoline, specified in §§ 80.91 through 80.93 to establish the volume of motor vehicle diesel fuel that was produced for U.S. use in 1998 and 1999 for purposes of establishing a volume baseline under this section.

(3) A letter signed by the president, chief operating, or chief executive officer of the company, or his/her delegate, stating that the information contained in the volume baseline determination is true to the best of his/her knowledge.

(4) Name, address, phone number, facsimile number, and e-mail address (if available) of a corporate contact person.

(5) The following information for each batch of motor vehicle diesel fuel produced for U.S. use in 1998 and 1999:

(i) Batch number assigned to the batch under procedures such as those in § 80.65(d) or § 80.101(i), or, if unavailable, such other identifying information as is available; and

(ii) Volume of the batch, in gallons.

(6) For a refinery that was not in operation during part or all of the period 1998 and 1999, the information required under this paragraph (c) for the motor vehicle diesel fuel produced for U.S. use during the most recent calendar year that the refinery was in operation after the refinery was reactivated.

(d) Within 120 days of receipt of an application under this section, EPA will notify the refiner of an approval of the refinery's baseline, or of any deficiencies in the application.

(e) If at any time the baseline submitted in accordance with the requirements of this section is determined to be incorrect, EPA will notify the refiner of the corrected baseline. The corrected baseline shall apply to all applicable compliance calculations under this subpart.

(f)(1) If insufficient information is available for the Administrator to establish a baseline under the provisions of paragraph (c) of this section and § 80.596(a), the refiner shall submit additional information sufficient for the Administrator to establish a baseline.

(2) To satisfy the requirements of paragraph (f)(1) of this section, the Administrator may require, and consider, any information pertinent to establish a baseline, including:

(i) Motor vehicle diesel fuel production volumes for other years;

(ii) Crude capacity of the refinery;

(iii) The ratio, or the typical ratio, for other similarly sized or configured

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refineries, between motor vehicle diesel fuel production and gasoline production.

[66 FR 5136, Jan. 18, 2001, as amended at 70 FR 40896, July 15, 2005]

### § 80.596 How is a refinery motor vehicle diesel fuel volume baseline calculated?

(a) For purposes of this subpart, a refinery's motor vehicle diesel fuel volume baseline is calculated using the following equation:

$$V_{\text{Base}} = \frac{\sum_{i=1}^n (V_i)}{m/12}$$

Where:

$V_{\text{base}}$  = Volume baseline value, in gallons.

$V_i$  = Volume of motor vehicle diesel fuel batch  $i$ , in gallons.

$n$  = Total number of batches of motor vehicle diesel fuel produced for U.S. use during January 1, 1998 through December 31, 1999 (or the total number of batches of motor vehicle diesel fuel produced during the most recent calendar year the refinery was in operation after being reactivated pursuant to § 80.595(c)(6)); or, for a foreign refinery, the total number of batches of motor vehicle diesel fuel produced and imported into the U.S. during January 1, 1998 through December 31, 1999 (or the total number of batches of motor vehicle diesel fuel produced and imported into the U.S. during the most recent calendar year the refinery was in operation after being reactivated pursuant to § 80.595(c)(6)).

$i$  = Individual batch of motor vehicle diesel fuel produced during January 1, 1998 through December 31, 1999 (or individual batch of motor vehicle diesel fuel produced during the most recent calendar year the refinery was in operation after being reactivated pursuant to § 80.595(c)(6)); or, for a foreign refinery, individual batch of motor vehicle diesel fuel produced and imported into the U.S. during January 1, 1998 through December 31, 1999 (or individual batch of motor vehicle diesel fuel produced and imported into the U.S. during the most recent calendar year the refinery was in operation after being reactivated pursuant to § 80.595(c)(6)).

$m$  = Number of months in the baseline period (24 except in the case of a startup or reactivation).

(b) If insufficient information is available for the Administrator to establish a baseline under paragraph (a) of this section, the baseline may be de-

termined under the provisions of § 80.595(f).

[66 FR 5136, Jan. 18, 2001, as amended at 70 FR 40896, July 15, 2005]

### § 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, if such information has not been provided under the provisions of this part. 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 NRLM diesel.* Refiners and importers that intend to produce or supply NRLM diesel fuel by June 1, 2007, must provide EPA the information under § 80.76 no later than December 31, 2005, if such information has not been provided under the provisions of this part. In addition, for each import facility, the same identifying information as required for each refinery under § 80.76(c) must be provided.

(c) *Registration for ECA marine fuel.* Refiners and importers that intend to produce or supply ECA marine fuel beginning June 1, 2014, must provide EPA the information under § 80.76 no later than December 31, 2012, if such information has not been previously provided under the provisions of this part. In addition, for each import facility, the same identifying information as required for each refinery under § 80.76(c) must be provided.

(d) *Entity registration.* (1) Except as prescribed in paragraph (d)(6) of this section, each entity as defined in § 80.502 that intends to deliver or receive custody of any of the following fuels from June 1, 2006 through May 31, 2010, must register with EPA by December 31, 2005, or six months prior to commencement of producing, importing, or distributing any distillate listed in paragraphs (d)(1)(i) through (d)(1)(iii) of this section:

(i) Fuel designated as 500 ppm sulfur MVNRLM diesel fuel under § 80.598 on