Environmental Protection Agency

§ 80.850 How is the compliance baseline determined?

(a) The compliance baseline to which annual average toxics values are compared according to §80.815(a) is calculated according to the following equation:

\[
T_{CB\text{base}} = \frac{T_{Base} \times V_{Base} + T_{Exist} \times V_{inc}}{V_{Base} + V_{inc}}
\]

Where:

- \( T_{CB\text{base}} \) = Compliance baseline toxics value.
- \( T_{Base} \) = Baseline toxics value for the refinery or importer, calculated according to §80.915(b)(1).
- \( V_{Base} \) = Baseline volume for the refinery or importer, calculated according to §80.915(b)(2).
- \( T_{Exist} \) = Existing toxics standard, per paragraph (b) of this section.
- \( V_{inc} \) = Volume of gasoline produced during the averaging period in excess of \( V_{Base} \).

(b) The value of existing toxics standard, \( T_{Exist} \), is equal to:

1. 21.5 percent, for reformulated gasoline and RBOB, combined;
2. The refinery’s or importer’s anti-dumping compliance baseline value for exhaust toxics, in mg/mi, per §80.101(f), for conventional gasoline.

(c) Any refiner for any refinery or importer with an approved anti-dumping baseline under §80.93(d) for gasoline produced or imported for use in Alaska, and/or Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, and for which a conventional gasoline baseline toxics value for such gasoline can be determined according to §80.915(b)(1), shall determine its compliance baseline applicable to such gasoline according to the following equation:

\[
T_{CB\text{base}} = \frac{T_{Base} \times V_{Base} + T_{Exist} \times V_{inc} + T_{Wind} \times V_{inc} + T_{W\text{State}} \times V_{inc}}{V_{Base} + V_{inc} + V_{inc} + V_{inc}}
\]

Where:

- \( T_{CB\text{base}} \) = Compliance baseline toxics value.
- \( T_{Base} \) = Baseline toxics value for the refinery or importer, calculated according to...
§ 80.855

(a) A refinery or importer shall use the methodology specified in this section for determining a compliance baseline if it cannot determine an applicable toxics value for every batch of gasoline produced or imported for 12 or more consecutive months during January 1, 1998 through December 31, 2000.

(b)(1) A refinery or importer that cannot determine an applicable toxics value on every batch of gasoline produced or imported for 12 or more consecutive months during the period January 1, 1998 through December 31, 2000 or a refinery or importer that did not produce or import reformulated gasoline and/or RBOB (combined) or conventional gasoline or both during the period between January 1, 1998 and December 31, 2000, inclusive, shall have the following as its compliance baseline for the purposes of this subpart:

(i) For conventional gasoline, prior to January 1, 2006, 94.64 mg/mile; starting January 1, 2006, 97.38 mg/mile.

(ii) For reformulated gasoline, prior to January 1, 2006, 25.31 percent reduction from statutory baseline; starting January 1, 2006, 26.78 percent reduction from statutory baseline.

(b)(2) A refinery or importer that has an approved anti-dumping baseline under §80.93(d) for gasoline produced or imported for use in Alaska, and that cannot determine an applicable toxics value according to paragraph (b)(1) of this section, shall have the following as its compliance baseline for the purposes of this subpart: 110.72 mg/mile.

(d) If the refinery or importer produced less gasoline during the compliance period than its applicable baseline volume, the value of \(V_{\text{src}}, V_{\text{src}} \text{ or } V_{\text{winc}},\) as applicable, will be zero.