§ 80.1280  How are refinery benzene baselines calculated?

(a) A refinery’s benzene baseline is based on the refinery’s 2004–2005 average gasoline benzene concentration, calculated according to the following equation:

\[
B_{\text{Base}} = \frac{\sum_{i=1}^{n} (V_i \times B_i)}{\sum_{i=1}^{n} V_i}
\]

Where:

- \(B_{\text{Base}}\) = Benzene baseline concentration (volume percent benzene).
- \(V_i\) = Volume of gasoline in batch \(i\) (gallons).
- \(B_i\) = Benzene content of batch \(i\) (volume percent benzene).

(b) A refiner for a refinery that included oxygenate blended downstream of the refinery in compliance calculations for RFG or conventional gasoline for calendar years 2004 or 2005 under §80.69 or §80.101(d)(4) must include the volume and benzene concentration of this oxygenate in the benzene baseline calculation for that refinery under paragraph (a) of this section.

§ 80.1285  How does a refiner apply for a benzene baseline?

(a) A benzene baseline application must be submitted for each refinery that plans to generate early credits under §80.1275. The application must include the information specified in paragraph (c) of this section and must be submitted to EPA at least 60 days before the first averaging period in which the refinery plans to generate early credits.


(c) The benzene baseline application must include the following information:

(1) A listing of the names and addresses of all refineries owned by the company.

(2) The benzene baseline for gasoline produced in 2004–2005 at the refinery, calculated in accordance with §80.1280.

(3) Copies of the annual reports required under §80.75 for RFG and §80.105 for conventional gasoline.

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

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

(d) For a refinery that may be eligible to generate early credits under §80.1270(a)(2)(ii), a refiner may submit to EPA a benzene baseline application per the requirements of this section. The refiner must also submit information regarding the nature and cause of the refinery’s production activity that resulted in irregular or less than full production, how it affected the baseline benzene concentration, and whether
and how an alternative calculation to
the calculation specified in §80.1230
produces a more representative ben-
zene baseline value. Upon consider-
ation of the submitted information,
EPA may approve a benzene baseline
for such a refinery.

(e) EPA will notify the refiner of ap-
proval of the refinery’s benzene base-
line or any deficiencies in the applica-
tion. However, except for applications
submitted in accordance with para-
graph (d) of this section, the refinery’s
benzene baseline application may be
considered approved 60 days after
EPA’s receipt of the baseline applica-
tion, subject to paragraph (f) of this
section.

(f) If at any time the baseline sub-
mitted in accordance with the require-
ments of this section is determined to
be incorrect, EPA will notify the re-
finer of the corrected baseline.

§ 80.1295 How are gasoline benzene
credits used?

(a) Credit use. (1) Gasoline benzene
credits may be used to comply with the
gasoline benzene standard of §80.1230(a)
provided that—

(i) The gasoline benzene credits were
generated according to §§80.1275 or
80.1290.

(ii) The recordkeeping requirements
for gasoline benzene credits under
§80.1350 are met.

(iii) The gasoline benzene credits are
correctly reported according to
§§80.1352 and 80.1354.

(iv) The conditions of this section are
met.

(2) Gasoline benzene credits gen-
erated under §§80.1275 and 80.1290 may
be used interchangeably in all credit
use scenarios, subject to the credit life
provisions specified in paragraph (c) of
this section.

(b) Credit transfers. (1) Gasoline ben-
zene credits obtained from another re-
finery or importer may be used to com-
ply with the gasoline benzene content
requirement of §80.1230(a) provided the
following conditions are met:

(i) The credits are generated and re-
ported according to the requirements
of this subpart, and the transferred
credits have not expired, per paragraph
(c) of this section.

(ii) Any credit transfer takes place
no later than the last day of February
following the calendar year averaging
period when the credits are used.

(iii) The credit has not been trans-
ferred more than twice. The first trans-
fer by the refinery or importer that
generated the credit may only be made
to a refiner or importer that intends to
use the credit; if the transferee cannot
use the credit, it may make the second,
and final, transfer only to a refiner or
importer that intends to use or to ter-
minate the credit. In no case may a