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(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 sulfur baseline determination is true to the best of his/her knowledge.

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

(5) The following information for each batch of gasoline produced in 1997–1998:
   (i) Batch number assigned to the batch under §80.65(d) or §80.101(i);
   (ii) Volume; and
   (iii) Sulfur content.

(6) For any refiner that acquires and/or reactivates a refinery that was shut down or non-operational between January 1, 1997, and December 31, 1998, the average sulfur level of gasoline produced during each annual averaging period that the refinery was in operation after the refinery was acquired and/or reactivated. EPA will evaluate all of the data submitted by the refiner in determining the appropriate sulfur baseline for the refinery. Where EPA concludes that the data submitted reasonably reflects current sulfur levels, the refinery’s baseline will be determined based on the average sulfur content of the refinery’s gasoline production during the most recent annual averaging period the refinery was in operation.

(d)(1) Foreign refiners who do not have an approved refinery baseline under §80.94 must follow the procedures specified in §80.410(b).

(2) Foreign refiners who have an approved individual refinery baseline under §80.94 but one that was not in effect for purposes of anti-dumping compliance during the 1997–1998 annual averaging periods, must comply with the requirements of this section for the gasoline produced at the refinery and imported to the U.S. during each annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

(e) Within 60 days of receipt of an application under this section, EPA will notify the refiner of approval of the refinery’s baseline or of any deficiencies in the application.

(f) 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.

(g) Any refiner that seeks temporary relief under §80.270 shall apply for a refinery sulfur baseline in accordance with the provisions of this section and §80.295, and if applicable, §80.410(b), no later than September 1, 2000.


ABT PROGRAM—BASELINE DETERMINATION

§ 80.295 How is a refinery sulfur baseline determined?

(a) A refinery’s gasoline sulfur baseline for the purpose of generating credits during years 2000 through 2003 is calculated using the following equation:

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

Where:
- \(S_{\text{Base}}\) = Sulfur baseline value.
- \(V_i\) = Volume of gasoline batch \(i\).
- \(S_i\) = Sulfur content of gasoline batch \(i\).

\(n\) = Total number of batches of gasoline produced during January 1, 1997 through December 31, 1998 (or the total number of batches of gasoline pursuant to §80.290(c)(6)); or, for a foreign refinery, the total number of batches of gasoline produced and imported into the U.S. during January 1, 1997 through December 31, 1998, or, the total number of batches of gasoline produced and imported into the U.S. pursuant to §80.290(d)(2)).
§ 80.310 How are credits generated beginning in 2004?

(a) A refiner for any refinery, or an importer, may generate credits in 2004 and thereafter if the annual average sulfur level for gasoline produced or imported for the averaging period is less than 30.00 ppm; or, for refiners that are subject to the small refiner standards in § 80.240, the small refiner annual average sulfur standard applicable to that refinery; or, for refiners and importers subject to the GPA standards in § 80.216, the least of 150.00 ppm, or the refinery’s or importer’s 1997–1998 sulfur level calculated under § 80.295 plus 30.00 ppm, or the refinery’s lowest annual average sulfur level for any year from 2000 through 2003 during which the refinery generated credits or allotments plus 30.00 ppm.

(b) Credits are calculated as follows:

\[ CR_a = V_a \times (S_{Credit} - S_a) \]

Where:

- \( CR_a \) = Credits generated for the averaging period.
- \( V_a \) = Total annual volume of gasoline produced at a refinery or imported during the averaging period.
- \( S_{Credit} \) = Actual annual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period by the refinery, exclusive of any credits, (or for a foreign refinery, the actual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period at the refinery that was imported into the U.S., in accordance with the requirements of § 80.410, exclusive of any credits.)
- \( S_a \) = Actual annual average sulfur level calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period by the refinery, exclusive of any credits, (or for a foreign refinery, the actual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period at the refinery that was imported into the U.S., in accordance with the requirements of § 80.410, exclusive of any credits.)