Environmental Protection Agency

§ 80.1344

What hardship relief provisions are available only to small refiners?

(a)(1) In the case of a small refiner approved under §80.1340 for which compliance with the requirement at §80.1230(a) would be feasible only through the purchase of credits, but for whom purchase of credits is not practically or economically feasible, EPA may approve a delay of the requirements applicable to the first compliance period for that refiner for up to two years.

(2) No delay in accordance with paragraph (a) of this section will be granted to any small refiner prior to the EPA issuing a review of the credit program.

(3) A small refiner may request one or more extensions of an approved delay if it can continue to demonstrate extreme difficulty in achieving compliance, through the use of credits, with the annual average benzene standard at §80.1230(a).

§ 80.1343

What provisions are available to a non-small refiner that acquires one or more of a small refiner’s refineries?

(a) In the case of a refiner that is not an approved small refiner under §80.1340 and that acquires a refinery from a small refiner approved under §80.1340, the small refiner provisions of the gasoline benzene program of this subpart continue to apply to the acquired refinery for a period of up to 30 months from the date of acquisition of the refinery. In no case shall this period extend beyond December 31, 2014.

(b) A refiner may apply to EPA for up to an additional six months to comply with the standards of §80.1230 for the acquired refinery if it believes that more than 30 months would be required for the necessary engineering, permitting, construction, and start-up work to be completed. Such applications must include detailed technical information supporting the need for additional time. EPA will base a decision...