§ 80.552 What compliance options are available to motor vehicle diesel fuel small refiners?

(a) A refiner that has been approved by EPA as a motor vehicle diesel fuel small refiner under § 80.551(g) may produce motor vehicle diesel fuel subject to the 500 ppm sulfur standard pursuant to the provisions of § 80.530, except that the volume limits of § 80.530(a)(3) shall only apply to that volume of diesel fuel that is produced or imported during an annual compliance period that exceeds 105 percent of the baseline volume established under § 80.595 \(V_{500}\). The annual compliance period shall be from July 1 through June 30. For the year 2006, the compliance period shall be from June 1, 2006 through June 30, 2007, and the volume limits shall only apply to that volume \(V_{500}\) that exceeds 113 percent of the baseline volume.

(b) A refiner that has been approved by EPA as a motor vehicle diesel fuel small refiner under § 80.551(g) may generate motor vehicle diesel fuel credits pursuant to the provisions of § 80.531, except that for purposes of § 80.531(a), the term “Credit” shall equal \(V_{15}\), without further adjustment.

(c) A refiner that has been approved by EPA as a motor vehicle diesel fuel small refiner under § 80.551(g) may apply for an extension of the duration of its small refiner gasoline sulfur standards pursuant to § 80.553.

(d) A refiner that produces motor vehicle diesel fuel under the provisions of paragraph (a) of this section or generates credits under the provisions of paragraph (b) of this section may not receive an extension of its small refiner gasoline sulfur standard under the provisions of paragraph (c) of this section. A refiner that receives an extension of its small refiner gasoline sulfur standard under the provisions of paragraph (c) of this section may not produce motor vehicle diesel fuel under the provisions of paragraph (a) of this section and may not generate credits under the provisions of paragraph (b) of this section.

(e) The provisions of this section shall apply separately for each refinery.
owned or operated by a motor vehicle
diesel fuel small refiner.

[66 FR 5136, Jan. 18, 2001, as amended at 69
FR 39179, June 29, 2004]

§ 80.553 Under what conditions may
the small refiner gasoline sulfur
standards be extended for a small
refiner of motor vehicle diesel fuel?

(a) A refiner that has been approved
by EPA for small refiner gasoline sul-
fur standards under §80.240 may apply,
under §80.551, for an extension of the
duration of its small refiner gasoline sulfur standards through the calendar
year 2010 annual averaging period.

(b) As part of its application, the re-
finer must submit an application for a
motor vehicle diesel fuel baseline in ac-
cordance with the provisions of §§80.595
and 80.596. The application must also
include information, as provided in
§80.594, demonstrating that starting no
later than June 1, 2006, 95 percent of
the motor vehicle diesel fuel produced
by the refiner will comply with the 15
ppm sulfur content standard under
§80.520(a)(1), and that the volume of
motor vehicle diesel fuel produced will
comply with the volume requirements
of paragraph (e) of this section.

(c) The Administrator may approve
an application for extension of the small refiner gasoline sulfur standards if the provisions of paragraph (b) of
this section and §§80.595 and 80.596 are
satisfied. In approving an application
for extension, the Administrator shall
establish a motor vehicle diesel fuel
volume baseline under §§80.595 and
80.596.

(d) Beginning June 1, 2006, and con-
tinuing through December 31, 2010, 95
percent of the motor vehicle diesel fuel
produced by a refiner that has received
an extension of its small refiner gaso-
line sulfur standards under this section
must be accurately designated under
§80.598 as meeting the 15 ppm sulfur
content standard under §80.520(a)(1).

(e) The total volume of motor vehicle
diesel fuel produced for use in the
United States and designated as meet-
ing the 15 ppm sulfur content standard
under paragraph (d) of this section must
meet or exceed 85 percent of the baseline
volume established under paragraph (c) of this section, except
that for the first compliance period
from June 1, 2006 through June 30, 2007,
the total volume must meet or exceed
92 percent of the baseline volume.

(f) Compliance with the volume re-
quirements in paragraph (e) of this sec-
tion shall be determined each compli-
ance period. Annual compliance peri-
ods shall be from July 1 through June
30. For the year 2006, the compliance
period shall be from June 1, 2006
through June 30, 2007 and for the year
2009 the compliance period shall be
from July 1, 2009 through May 31, 2010.

(g) If a refiner fails to comply with
the requirements of paragraph (d) of
this section, or if approval of the appli-
cation, including the baseline, was
based on false or inaccurate informa-
tion, the extension of the applicable
small refiner gasoline sulfur standards
under this section shall be void ab
initio, and all gasoline produced by the
refinery must meet the gasoline sulfur
standards under subpart H of this Part
as if there had been no extension of the
small refiner gasoline sulfur standards.

(h) If for any compliance period a re-
finer fails to meet the volume require-
ments in paragraph (e) of this section,
the extension of the small refiner gaso-
line sulfur standards shall be void for
that compliance period and for all suc-
ceeding compliance periods and all gas-
oline produced by the refinery must
meet the gasoline sulfur standards under subpart H of this Part as if there
had been no extension of the small re-
finer gasoline sulfur standards under
this section for such compliance peri-
ods.

(i) A refiner that is approved for an
extension of the interim small refiner
gasoline sulfur standards under this
section must meet all applicable rec-
ordkeeping and reporting requirements of §§80.592, 80.593, and 80.594, and shall
meet all the recordkeeping and report-
ing requirements under §§80.210, 80.356
and 80.370. Any foreign refiner shall
meet all additional requirements under
§§80.620 and 80.410.

(j) A refiner approved for the small
refiner gasoline sulfur standards exten-
sion under this section may not gen-
erate or use credits under §80.531(a) or
(e), or §80.532.

(k) A refiner may petition the Ad-
inistrator to vacate an extension of