(b)(1)(i) Refiners who qualify as small under §80.225 and subsequently cease production of diesel fuel from processing crude oil through refinery processing units, or employ more than 1,500 people or exceed the 155,000 bpd crude oil capacity limit after January 1, 2004 as a result of merger with or acquisition of or by another entity, are disqualified as small refiners, except this shall not apply in the case of a merger between two previously approved small refiners. If disqualification occurs, the refiner shall notify EPA in writing no later than 20 days following this disqualifying event.

(ii) Except as provided under paragraph (b)(1)(iii) of this section, any refiner whose status changes under this paragraph shall meet the applicable standards of §80.195 within a period of up to 30 months of the disqualifying event for any of its refineries that were previously subject to the small refiner standards of §80.240(a). However, such period shall not extend beyond December 31, 2007, or, for refineries for which the Administrator has approved an extension of the small refiner gasoline sulfur standards under §80.553(c), December 31, 2010.

(iii) A refiner may apply to EPA for an additional six months to comply with the standards of §80.195 if more than 30 months will 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 its decision to approve additional time on the information provided by the refiner and on other relevant information. In no case will EPA extend the compliance date beyond December 31, 2007, or, for refineries for which the Administrator has approved an extension of the small refiner gasoline sulfur standards under §80.553(c), December 31, 2010.

(iv) During the period of time up to 30 months provided under paragraph (b)(1)(ii) of this section, and any extension provided under paragraph (b)(1)(iii) of this section, the refiner may not generate gasoline sulfur credits under §80.318.

(2) Any refiner who qualifies as a small refiner under §80.225 may elect to meet the standards under §80.195 by notifying EPA in writing no later than November 15 prior to the year that the change will occur. Any refiner whose status changes under this paragraph (b)(2) shall meet the standards under §80.195 beginning with the first averaging period subsequent to the status change.


§ 80.235 How does a refiner obtain approval as a small refiner?

(a) Applications for small refiner status must be submitted to EPA by December 31, 2000, except for applications submitted pursuant to §80.225(d), which must be submitted by June 1, 2002.


(c) The small refiner status application must contain the following information for the company seeking small refiner status, plus any subsidiary companies, any parent company and subsidiaries of the parent company, and any joint venture partners:

(1) A listing of the name and address of each location where any employee worked during the 12 months preceding January 1, 1999; the average number of employees at each location; and the type of business activities carried out at each location; and

(2) A listing of the name and address of each location where any employee worked during the 12 months preceding January 1, 1999; the average number of employees at each location; and the type of business activities carried out at each location; and

(3) In the case of a refiner who acquires a refinery after January 1, 1999, or reactivates a refinery that was shut down between January 1, 1998, and January 1, 1999, a listing of the name and address of each location where any employee of the refiner worked since the refinery was shut down, the average number of employees at each location, and the type of business activities carried out at each location; or

(4) In the case of a refiner who acquired a refinery after January 1, 1999, or reactivated the refinery after January 1, 1999, a listing of the name and address of each location where any employee of the refiner worked since the refinery was shut down, the average number of employees at each location, and the type of business activities carried out at each location.
§ 80.240  What are the small refiner gasoline sulfur standards?

(a) The gasoline sulfur standards for an approved small refiner are as follows:

<table>
<thead>
<tr>
<th>Refinery baseline sulfur level</th>
<th>Temporary sulfur standards for small refiners applicable from January 1, 2004 through December 31, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual average</td>
</tr>
<tr>
<td>0 to 30</td>
<td>30.00</td>
</tr>
<tr>
<td>31 to 200</td>
<td>Baseline level</td>
</tr>
<tr>
<td>201 to 400</td>
<td>200.00</td>
</tr>
<tr>
<td>401 to 600</td>
<td>50% of baseline</td>
</tr>
<tr>
<td>601 and above</td>
<td>300.00</td>
</tr>
</tbody>
</table>

(b) The refinery annual average sulfur standards must be met on an annual calendar year basis for each refinery owned by a small refiner. The refinery annual average sulfur level is calculated in accordance with the provisions of § 80.205.

(c)(1) The refinery annual average sulfur standards specified in paragraph (a) of this section apply to the volume of gasoline produced by a small refiner's refinery up to the lesser of:

(i) 105% of the baseline gasoline volume as determined under § 80.250(a)(1); or