

Environmental Protection Agency

§ 80.1347

(ii) Meet the standard specified in § 80.1230(a) in any annual averaging period from 2011 through 2014, inclusive, provided it notifies EPA in writing no later than November 15 prior to the year in which it will produce compliant gasoline.

(2)(i) Defer meeting the standard specified in § 80.1230(b) until the averaging period beginning July 1, 2016; or

(ii) Meet the standard specified in § 80.1230(b) in any averaging period specified in § 80.1230(b)(3) prior to the averaging period beginning July 1, 2016 provided it notifies EPA in writing no later than November 15 prior to the year in which it will produce compliant gasoline.

(b) Any refiner that makes an election under paragraphs (a)(1) or (a)(2) of this section must comply with the applicable benzene standards at § 80.1230 beginning with the first averaging period subsequent to the status change.

(c) The provisions of paragraph (a) of this section shall apply separately for each of an approved small refiner's refineries.

§ 80.1343 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).

(b) In the case of a small refiner approved under § 80.1340 for which compliance with the maximum average benzene requirement at § 80.1230(b) is not

feasible, the refiner may apply for hardship relief under § 80.1335.

§ 80.1344 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 to approve additional time on information provided by the refiner and on other relevant information. In no case shall this period extend beyond December 31, 2014.

(c) A refiner that acquires a refinery from a small refiner approved per § 80.1340 shall notify EPA in writing no later than 20 days following the acquisition.

SAMPLING, TESTING AND RETENTION REQUIREMENTS

§ 80.1347 What are the sampling and testing requirements for refiners and importers?

(a) *Sample and test each batch of gasoline.* (1) The sampling and testing requirements specified in subpart D for reformulated gasoline shall continue to apply to reformulated gasoline and shall be extended to conventional gasoline (CG) for the purpose of complying with the benzene requirements of this subpart, except as modified by paragraphs (a)(2), (a)(3) and (a)(4) of this section.

(2) Refiners and importers shall collect a representative sample from each batch of gasoline produced or imported,