

## Environmental Protection Agency

## § 80.1622

(6) All written notifications to EPA should be submitted to the address listed in § 80.1622.

### § 80.1621 Small volume refinery definition.

(a) For the purposes of this subpart O, a gasoline small volume refinery is defined as any refinery that meets all the following criteria, and has been approved by EPA as a small volume refinery per § 80.1622:

(1) Produces gasoline by processing crude oil through refinery processing units.

(2) The average aggregate daily crude oil throughput, including feedstocks derived from crude oil, for the calendar year 2012 (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels. Throughput means the total crude oil feedstock input into the refinery less volumes injected into the crude oil supply after refinery processing.

(b) The following are ineligible for the small volume refinery provisions under this subpart O:

(1) Refineries built or started up on or after January 1, 2013.

(2) Persons who exceed the crude oil throughput under this section for calendar year 2012 but who meet these criteria after that date, regardless of whether the reduction in crude oil capacity is due to operational changes at the refinery or a company sale or reorganization.

(3) Importers.

(4) Refineries that produce gasoline other than by processing crude oil through refinery processing units.

### § 80.1622 Approval for small refiner and small volume refinery status.

(a) Applications for small refiner or small volume refinery status under this subpart O must be submitted to EPA by January 1, 2015.

(b) To qualify for small refiner status under this subpart a refiner must submit an application to EPA containing all the following information for the refiner and for all subsidiary companies, all parent companies, all subsidiaries of the parent companies, and all joint venture partners:

(1)(i) A listing of the name and address of all company locations for the period January 1, 2012 through December 31, 2012.

(ii) The average number of employees at each location, based on the number of employees for each pay period for the period January 1, 2012 through December 31, 2012.

(iii) The type of business activities carried out at each location.

(iv) For joint ventures, the total number of employees includes the combined employee count of all corporate entities in the venture.

(v) For government-owned refiners, the total employee count includes all government employees.

(2)(i) The total corporate crude oil capacity of each refinery as reported to the Energy Information Administration (EIA) of the U.S. Department of Energy (DOE), for the period January 1, 2012 through December 31, 2012. The information submitted to EIA is presumed to be correct. In cases where a company disagrees with this information, the company may petition EPA with appropriate data to correct the record when the company submits its application.

(ii) Foreign small refiners applying for approval under this section must send the total corporate crude oil capacity of each refinery for the period January 1, 2012 through December 31, 2012, to the address listed in paragraph (g) of this section.

(3) The application must be signed by the president, chief operating or chief executive officer of the company, or his/her designee, stating that the information is true to the best of his/her knowledge, and that the company owned the refinery as of December 31, 2012.

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

(c) To qualify for small volume refinery status under this subpart, a refiner must submit an application to EPA containing all the following information for the refinery, or refineries, for which the refiner is applying for small volume refinery status:

(1) A listing of the name and address of each small volume refinery owned by the company.

(2)(i) The total crude throughput of each small volume refinery, defined as the total crude oil feedstock input into the refinery less the volumes injected into the crude oil supply after refinery processing, as reported to EIA, for the period January 1, 2012 through December 31, 2012. The information submitted to EIA is presumed to be correct. In cases where a company disagrees with this information, the company may petition EPA with appropriate data to correct the record when the company submits its application.

(ii) Foreign refiners applying for small volume refinery approval under this section must send the total crude throughput of each small volume refinery, defined as the total crude oil feedstock input into the refinery less the volumes injected into the crude oil supply after refinery processing of each refinery for the period January 1, 2012 through December 31, 2012, to the address listed in paragraph (g) of this section.

(3) The application must be signed by the president, chief operating or chief executive officer of the company, or his/her designee, stating that the information is true to the best of his/her knowledge, and that the company owned the refinery as of December 31, 2012.

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

(d) For foreign refiners, the small refiner or small volume refinery status application must contain all of the elements required in paragraph (b) or (c) of this section, as applicable, must demonstrate compliance with §80.1620, and must be submitted by June 1, 2016 to the address listed in paragraph (g) of this section.

(e) A refiner who qualifies as a small refiner or small volume refinery under this subpart and subsequently fails to meet all the qualifying criteria as set out in §§80.1620 and 80.1621 will be disqualified pursuant to §80.1620(f) or §80.1621(d).

(1) In the event such disqualification occurs, the refiner shall notify EPA in writing no later than 20 days following the disqualifying event.

(2) Disqualification under this paragraph (e) shall not apply in the case of

a merger between two approved small refiners.

(3) Any refiner that acquires a refinery from another refiner with approved small refiner or small volume refinery status under this subpart shall notify EPA in writing no later than 20 days following the acquisition.

(f) If EPA finds that a refiner provided false or inaccurate information in its small refiner status or small volume refinery status application under this subpart, the refiner's small refiner or small volume refinery status will be void as of the effective date of this subpart.

(g) Small refiner and small volume refinery status applications, and any other correspondence required by this section, §80.1620, or §80.1621 shall be sent to the following address: U.S. EPA—Attn: Tier 3 Program (Small Refiner/Small Volume Refinery Application), 6406J, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

§§ 80.1623–80.1624 [Reserved]

§ 80.1625 Hardship provisions.

EPA may, at its discretion, grant a refiner of gasoline that processes crude oil through refinery processing units, for one or more of its refineries, temporary relief from some or all of the provisions of this subpart.

(a) *Extreme hardship circumstances.* (1) EPA may, at its discretion, grant a refiner of gasoline that processes crude oil through refinery processing units, for one or more of its refineries, temporary relief from some or all of the provisions of this subpart. EPA may grant such relief provided that the refiner demonstrates all the following:

(i) Unusual circumstances exist that impose extreme hardship and significantly affect the refiner's ability to comply by the applicable date.

(ii) It has made best efforts to comply with the requirements of this subpart.

(2) The application must specify the factors that demonstrate a significant economic hardship and must provide a detailed discussion regarding the inability of the refinery to produce gasoline meeting the requirements of