imported to the U.S. during each annual averaging period in which the refinery was subject to its individual anti-dumping baseline. EPA will evaluate all of the information and data submitted under this section in determining a foreign refinery's sulfur baseline pursuant to this paragraph (d). Where EPA concludes that the data submitted reasonably reflects current sulfur levels, a foreign refinery's baseline sulfur level under this paragraph will be determined based on the average sulfur level of gasoline produced by the foreign refinery and imported to the U.S. during the most recent annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

(e) Within 60 days of receipt of an application under this section, EPA will notify the refiner of approval of the refinery's baseline or of any deficiencies in the application.

(f) If at any time the baseline submitted in accordance with the requirements of this section is determined to be incorrect, EPA will notify the refiner of the corrected baseline.

(g) Any refiner that seeks temporary relief under §80.270 shall apply for a refinery sulfur baseline in accordance with the provisions of this section and §80.295, and if applicable, §80.410(b), no later than September 1, 2000.

[65 FR 6823, Feb. 10, 2000, as amended at 66 FR 19308, Apr. 13, 2001]

ABT PROGRAM—BASELINE DETERMINATION

§ 80.295 How is a refinery sulfur baseline determined?

(a) A refinery's gasoline sulfur baseline for the purpose of generating credits during years 2000 through 2003 is calculated using the following equation:

$$S_{Base} = \frac{\sum_{i=1}^{n} (Vi \times Si)}{\sum_{i=1}^{n} Vi}$$

Where:

S_{Base}=Sulfur baseline value.
V_i=Volume of gasoline batch i.
S_i=Sulfur content of gasoline batch i.
n = Total number of batches of gasoline produced during January 1, 1997 through December 31, 1998 (or the total number of batches of gasoline pursuant to §80.290(c)(6); or, for a foreign refinery, the total number of batches of gasoline produced and imported into the U.S. during January 1, 1997 through December 31, 1998, or, the total number of batches of gasoline produced and imported into the U.S. pursuant to §80.290(d)(2)).
i = Individual batch of gasoline produced during January 1, 1997 through December 31, 1998 (or individual batch of gasoline produced pursuant to §80.290(c)(6); or, for a foreign refinery, individual batch of gasoline produced and imported into the U.S. during January 1, 1997 through December 31, 1998, or, individual batch of gasoline produced and imported into the U.S. pursuant to §80.290(d)(2)).

(b) Any refiner who, under §80.69 or §80.101(d)(4), included oxygenate blended downstream in compliance calculations for 1997–1998 for a refinery must include this oxygenate in the baseline calculations for sulfur content for that refinery under paragraph (a) of this section.

(c) Sulfur baseline calculations under this section shall be conducted to two decimal places.

[65 FR 6823, Feb. 10, 2000, as amended at 66 FR 19308, Apr. 13, 2001]

§ 80.300 [Reserved]

ABT PROGRAM—CREDIT GENERATION

§ 80.305 How are credits generated during the time period 2000 through 2003?

(a) Credits must be calculated as follows:

$$CR_a = V_a \times (S_{Base} - S_a)$$

Where:

CR_a=Credits generated for the averaging period.
V_a = Total volume of gasoline produced during the averaging period at the refinery (or for a foreign refinery, the total volume of gasoline produced during the averaging period at the refinery that was imported into the U.S. in accordance with the requirements of §80.410)
S_{Base}=Sulfur baseline value for the refinery established under §80.250 or §80.295.
S_a = Actual annual average sulfur level, calculated in accordance with the provisions of §80.205, for gasoline produced during the averaging period by the refinery, exclusive of any credits, (or for a foreign refinery,