(iv) In the case of a refiner that reactivates a refinery that it previously owned and operated and that was shut down or non-operational between January 1, 2005 and January 1, 2006, include the following:

(A) Pursuant to paragraph (c) of this section, a listing of each company refinery each refinery's address where any employee, as specified in paragraph (a)(1) of this section, worked since the refiner acquired or reactivated the refinery.

(B) The average number of employees at any such reactivated refinery during each calendar year since the refiner reactivated the refinery.

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

(2) *Crude oil capacity*.

(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, 2005 through December 31, 2005.

(ii) 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 for small refiner status.

(3) The type of business activity carried out at each location.

(4) For each refinery, an indication of the small refiner option(s), pursuant to §80.1342, intended to be utilized at the refinery.

(5) A letter signed by the president, chief operating officer or chief executive officer of the company, or his/her designee, stating that the information contained in the application is true to the best of his/her knowledge, and that the company owned the refinery as of January 1, 2006.

(6) Name, address, phone number, facsimile number, and e-mail address of a corporate contact person.

(d) Approval of a small refiner status application will be based on the information submitted under paragraph (c) of this section and any other relevant information.

(e) EPA will notify a refiner of approval or disapproval of small refiner status by letter.

(1) If approved, all refineries of the refiner may defer meeting the standard specified in §80.1230(a) until the annual averaging period beginning January 1, 2015, and the standard specified in §80.1230(b) until the averaging period beginning July 1, 2016.

(2) If disapproved, all refineries of the refiner must meet the standard specified in §80.1230(a) beginning with the annual averaging period beginning January 1, 2011, and must meet the standard specified in §80.1230(b) beginning with the averaging period beginning July 1, 2012.

(f) If EPA finds that a refiner provided false or inaccurate information on its application for small refiner status, the refiner's small refiner status will be void *ab initio*.

(g) Prior to January 1, 2014, and upon notification to EPA, a small refiner approved per this section may withdraw its status as a small refiner. Effective on January 1 of the year following such notification, the small refiner will become subject to the standards at §80.1230.

§80.1342 What compliance options are available to small refiners under this subpart?

(a) A refiner that has been approved as a small refiner under §80.1340 may—

(1)(i) Defer meeting the standard specified in §80.1230(a) until the annual averaging period beginning January 1, 2015; or

(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, according to the earliest applicable date in the following schedule:

(i) Beginning January 1, 2011;

(ii) Beginning January 1, 2015 for small refiners approved under § 80.1340;

(iii) Beginning January 1 of the year prior to 2015 in which a small refiner approved under § 80.1340 has opted, per § 80.1342(a), to begin meeting the standards at § 80.1230;

(iv) Beginning June 1, 2007, for any refinery planning to generate early credits for the averaging period specified at § 80.1275(b)(1);

(v) Beginning January 1 of each averaging period specified at § 80.1275(b)(2) or (b)(3) for which the refinery plans to generate early credits;

(vi) Beginning January 1 of the year, per § 80.1334(c)(1), in which a refinery approved for early compliance under § 80.1334 opts to begin early compliance.