

## Environmental Protection Agency

## § 80.104

(iv) A demonstration that the conditions for which the refinery was granted small refiner status under §80.235 are still applicable.

(v) Information already submitted to the Administrator as part of a prior petition under paragraph (k) of this section, shall be updated if applicable.

(4) Approval or disapproval of petitions. The Administrator may approve a petition under this paragraph (l) if it includes information sufficient to demonstrate to the Administrator's satisfaction that cost and/or technological constraints make it infeasible for the refinery to comply with an alternative anti-dumping compliance baseline of five years or less, or that ends on or before January 1, 2006. The Administrator will approve or deny the petition in writing within six months of receipt. An approval will include any conditions or requirements to which the approval is subject.

(5) *Cessation of extended alternative compliance period.* (i) Refineries that qualify as small under §80.223, and that later are disqualified under §80.230(b), will be subject to the statutory anti-dumping baseline on an annual average basis beginning the calendar year immediately following the refinery's change in status.

(ii) If the Administrator finds that a refiner provided false or inaccurate information on its application for small refiner status, upon notice from the Administrator, the refiner's extended alternative compliance period will be void ab initio.

(6) *Compliance requirements for qualifying small refiners.* (i) If the refiner's application for an extended compliance period under this paragraph (l) is approved, then the refinery must comply with the statutory baseline NO<sub>x</sub> standard, on average, for gasoline produced beginning by not later than the 19th quarter (for a six year compliance period) or by no later than the 22nd quarter (for a seven year compliance period).

(ii) The refinery must meet all other applicable requirements in paragraph (k) of this section, including the production of a net NO<sub>x</sub> benefit under paragraph (k)(3)(ii) of this section, except that the following provisions shall apply:

(A) For any cumulative NO<sub>x</sub> deficit remaining at the expiration of the fifth year, based on the NO<sub>x</sub> emission performance of gasoline actually produced at the refinery, and as calculated under paragraph (k)(3)(ii) of this section, the refiner shall provide an additional NO<sub>x</sub> benefit equal to one half ton of NO<sub>x</sub> emissions per ton of deficit remaining by the end of the refinery's alternative anti-dumping averaging period.

(B) For any cumulative NO<sub>x</sub> deficit remaining at the expiration of the sixth year, based on the NO<sub>x</sub> emission performance of gasoline actually produced at the refinery, and as calculated under paragraph (k)(3)(ii) of this section, the refiner shall provide an additional NO<sub>x</sub> benefit equal to one ton of NO<sub>x</sub> emissions per ton of deficit remaining by the end of the refinery's alternative anti-dumping averaging period.

(C) The additional NO<sub>x</sub> benefits required under this paragraph (l)(6)(ii) of this section may come from the production of gasoline at the refinery that is cleaner than the statutory baseline or from the purchase and retirement of stationary source NO<sub>x</sub> credits or allowances as provided in paragraph (k)(3)(iii) of this section.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36968, July 20, 1994; 60 FR 40008, Aug. 4, 1995; 62 FR 9884, Mar. 4, 1997; 62 FR 68207, Dec. 31, 1997; 64 FR 30910, June 9, 1999; 64 FR 37689, July 13, 1999; 65 FR 54431, Sept. 8, 2000; 66 FR 67107, Dec. 28, 2001; 67 FR 8738, Feb. 26, 2002; 68 FR 24307, May 6, 2003; 70 FR 74572, Dec. 15, 2005; 72 FR 8543, Feb. 26, 2007; 72 FR 60580, Oct. 25, 2007]

### § 80.102 [Reserved]

### § 80.103 Registration of refiners and importers.

Any refiner or importer of conventional gasoline must register with the Administrator in accordance with the provisions specified at §80.76.

### § 80.104 Recordkeeping requirements.

Any parties in the gasoline distribution network shall maintain records containing the information as required by this section.

(a) For any refiner or importer, beginning in 1995, for each averaging period: