

Environmental Protection Agency

§ 80.105

and movement of the previously certified gasoline to the point the previously certified gasoline is used to produce conventional gasoline.

(b) Any refiner or importer shall retain the documents required in this section for a period of five years from the date the conventional gasoline or blendstock is produced or imported, and deliver such documents to the Administrator of EPA upon the Administrator's request.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994; 62 FR 68208, Dec. 31, 1997; 66 FR 67107, Dec. 28, 2001; 67 FR 8738, Feb. 26, 2002]

§ 80.105 Reporting requirements.

(a) Beginning with the 1995 averaging period, and for each subsequent averaging period, any refiner for each refinery or group of refineries at which any conventional gasoline is produced, and any importer that imports any conventional gasoline, shall submit to the Administrator a report which contains the following information:

(1) The total gallons of conventional gasoline produced or imported;

(2)-(3) [Reserved]

(4)(i) If using the simple model:

(A) The applicable exhaust benzene emissions standard under § 80.101(b)(1)(i);

(B) The average exhaust benzene emissions under § 80.101(g);

(C) The applicable sulfur content standard under § 80.101(b)(1)(ii) in parts per million;

(D) The average sulfur content under § 80.101(g) in parts per million;

(E) The difference between the applicable sulfur content standard under § 80.101(b)(1)(ii) in parts per million and the average sulfur content under paragraph (a)(4)(i)(D) of this section in parts per million, indicating whether the average is greater or lesser than the applicable standard;

(F) The applicable olefin content standard under § 80.101(b)(1)(iii) in volume percent;

(G) The average olefin content under § 80.101(g) in volume percent;

(H) The difference between the applicable olefin content standard under § 80.101(b)(1)(iii) in volume percent and the average olefin content under paragraph (a)(4)(i)(G) of this section in vol-

ume percent, indicating whether the average is greater or lesser than the applicable standard;

(I) The applicable T90 distillation point standard under § 80.101(b)(1)(iv) in degrees Fahrenheit;

(J) The average T90 distillation point under § 80.101(g) in degrees Fahrenheit; and

(K) The difference between the applicable T90 distillation point standard under § 80.101(b)(1)(iv) in degrees Fahrenheit and the average T90 distillation point under paragraph (a)(4)(i)(J) of this section in degrees Fahrenheit, indicating whether the average is greater or lesser than the applicable standard.

(ii) If using the optional complex model, the applicable exhaust benzene emissions standard and the average exhaust benzene emissions, under § 80.101(b)(2) and (g).

(iii) If using the complex model:

(A) The applicable exhaust toxics emissions standard and the average exhaust toxics emissions, under § 80.101(b)(3) and (g); and

(B) The applicable NO_x emissions standard and the average NO_x emissions, under § 80.101(b)(3) and (g).

(5) The following information for each batch of conventional gasoline or batch of blendstock included under paragraph (a) of this section:

(i) The batch number;

(ii) The date of production;

(iii) The volume of the batch;

(iv) The grade of gasoline produced (i.e., premium, mid-grade, or regular); and

(v) The properties, pursuant to § 80.101(i); and

(vi) In the case of any previously certified gasoline used in a refinery operation under the terms of § 80.101(g)(9), the following information relative to the previously certified gasoline when received at the refinery:

(A) Identification of the previously certified gasoline as such;

(B) The batch number assigned by the receiving refinery;

(C) The date of receipt; and

(D) The volume, properties and designation of the batch.

(6) Such other information as EPA may require.

(b) The reporting requirements of paragraph (a) of this section do not

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apply in the case of any conventional gasoline or gasoline blendstock that is excluded from a refiner's or importer's compliance calculation pursuant to § 80.101(e).

(c) For each averaging period, each refiner and importer shall cause to be submitted to the Administrator of EPA, by May 30 of each year, a report in accordance with the requirements for the Attest Engagements of §§ 80.125 through 80.131.

(d) The report required by paragraph (a) of this section shall be:

(1) Submitted on forms and following procedures specified by the Administrator of EPA;

(2) Submitted to EPA by the last day of February each year for the prior calendar year averaging period; and

(3) Signed and certified as correct by the owner or a responsible corporate officer of the refiner or importer.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994; 60 FR 65575, Dec. 20, 1995; 66 FR 67108, Dec. 28, 2001; 67 FR 8738, Feb. 26, 2002]

§ 80.106 Product transfer documents.

(a)(1) On each occasion when any person transfers custody or title to any conventional gasoline, the transferor shall provide to the transferee documents which include the following information:

(i) The name and address of the transferor;

(ii) The name and address of the transferee;

(iii) The volume of gasoline being transferred;

(iv) The location of the gasoline at the time of the transfer;

(v) The date of the transfer;

(vi) In the case of transferors or transferees who are refiners or importers, the EPA-assigned registration number of those persons; and

(vii) The following statement: "This product does not meet the requirements for reformulated gasoline, and may not be used in any reformulated gasoline covered area."

(2) The requirements of paragraph (a)(1) of this section apply to product that becomes gasoline upon the addition of oxygenate only.

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(b) [Reserved]

[59 FR 7860, Feb. 16, 1994, as amended at 67 FR 8738, Feb. 26, 2002]

§§ 80.107-80.124 [Reserved]

Subpart F—Attest Engagements

SOURCE: 59 FR 7875, Feb. 16, 1994, unless otherwise noted.

§ 80.125 Attest engagements.

(a) Any refiner, importer, and oxygenate blender subject to the requirements of this subpart F shall engage an independent certified public accountant, or firm of such accountants (hereinafter referred to in this subpart F as "CPA"), to perform an agreed-upon procedure attestation engagement of the underlying documentation that forms the basis of the reports required by §§ 80.75 and 80.105.

(b) The CPA shall perform the attestation engagements in accordance with the Statements on Standards for Attestation Engagements.

(c) The CPA may complete the requirements of this subpart F with the assistance of internal auditors who are employees or agents of the refiner, importer, or oxygenate blender, so long as such assistance is in accordance with the Statements on Standards for Attestation Engagements.

(d) Notwithstanding the requirements of paragraph (a) of this section, any refiner, importer, or oxygenate blender may satisfy the requirements of this subpart F if the requirements of this subpart F are completed by an auditor who is an employee of the refiner, importer, or oxygenate blender, provided that such employee:

(1) Is an internal auditor certified by the Institute of Internal Auditors, Inc. (hereinafter referred to in this subpart F as "CIA"); and

(2) Completes the internal audits in accordance with the Codification of Standards for the Professional Practice of Internal Auditing.

(e) Use of a CPA or CIA who is debarred, suspended, or proposed for debarment pursuant to the Governmentwide Debarment and Suspension Regulations, 40 CFR part 32, or the Debarment, Suspension, and Ineligibility Provisions of the Federal Acquisition