

Environmental Protection Agency

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public accountant, or firm of such accountants (hereinafter referred to in this subpart F as “CPA”), to perform an agreed-upon procedures 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 or importer, 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 or importer 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 or importer, 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, 2 CFR part 1532, or the Debarment, Suspension, and Ineligibility Provisions of the Federal Acquisition Regulations, 48 CFR part 9, subpart 9.4, shall be deemed in noncompliance with the requirements of this section.

(f) The following documents are incorporated by reference: the Statements on Standards for Attestation Engagements, Codification of Statements on Auditing Standards, written by the American Institute of Certified Public Accountants, Inc., 1991, and published by the Commerce Clearing House, Inc., Identification Number 059021, and the Codification of Standards for the Professional Practice of Internal Auditing, written and published by the Institute of Internal Auditors,

Inc., 1989, Identification Number ISBN 0-89413-207-5. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Statements on Standards for Attestation Engagements may be obtained from the American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York, New York 10036, and copies of the Codification of Standards for the Professional Practice of Internal Auditing may be obtained from the Institute of Internal Auditors, Inc., 249 Maitland Avenue, Altamonte Springs, Florida 32701-4201. Copies may be inspected at the U.S. Environmental Protection Agency, Office of the Air Docket, 401 M St., SW., Washington, DC., or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

[59 FR 7875, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994; 70 FR 74573, Dec. 15, 2005; 71 FR 26701, May 8, 2006; 72 FR 2427, Jan. 19, 2007]

§ 80.126 Definitions.

The following definitions shall apply for the purposes of this subpart F:

(a) *Averaging compliance records* shall include the calculations used to determine compliance with relevant standards on average, for each averaging period and for each quantity of gasoline for which standards must be achieved separately.

(b) *Credit Trading Records*. Credit trading records shall include worksheets and EPA reports showing actual and complying totals for benzene; credit calculation worksheets; contracts; letter agreements; and invoices and other documentation evidencing the transfer of credits.

(c) *Designation records* shall include laboratory analysis reports that identify whether gasoline meets the requirements for a given designation; operational and accounting reports of product storage; and product transfer documents.

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(d) *Oxygenate blender records* shall include laboratory analysis reports; refiner, importer and oxygenate blender contracts; quality assurance program records; product transfer documents; oxygenate purchasing, inventory, and usage records; and daily tank inventory gauging reports, meter tickets, and product transfer documents.

(e) *Product transfer documents* means copies of documents represented by the refiner/importer/oxygenate blender as having been provided to the transferee, and that reflect the transfer of ownership or physical custody of gasoline or blendstock (e.g., invoices, receipts, bills of lading, manifests, and/or pipeline tickets).

(f) *Tender* means the transfer of ownership or physical custody of a volume of gasoline or other petroleum product all of which has the same identification (reformulated gasoline, conventional gasoline, RBOB, and other non-finished-gasoline petroleum products), and characteristics (time and place of use restrictions for reformulated gasoline and RBOB).

(g) *Volume records* shall include summaries of gasoline produced or imported that account for the volume of each type of gasoline produced or imported. The volumes shall be based on tank gauges or meter reports and temperature adjusted to 60 degrees Fahrenheit.

(h) *Attestor* means the CPA or CIA performing the agreed-upon procedures engagement under this subpart.

(i) *Foot (or crossfoot)* means to add a series of numbers, generally in columns (or rows), to a total amount. When applying the attestation procedures in this subpart F, the attestor may foot to subtotals on a sample basis in those instances where subtotals (e.g., page totals) exist. In such instances, the total should be footed from the subtotals and the subtotals should be footed on a test basis using no less than 25% of the subtotals.

(j) *Laboratory Analysis* means the original test result for each analysis that was used to determine a product's properties. For laboratories using test methods that must be correlated to the standard test method, the correlation factors and results shall be included as part of the laboratory analysis. For re-

fineries or importers that produce reformulated gasoline or RBOB and use the 100% independent lab testing, the laboratory analysis shall consist of the results reported to the refinery or importer by the independent lab. Where assumed properties used (e.g., for butane) the assumed properties may serve as the test results.

(k) *Non-finished-gasoline petroleum products* means liquid petroleum products that have boiling ranges greater than 75 degrees Fahrenheit, but less than 450 degrees Fahrenheit, as per ASTM D 86 or equivalent.

(l) *Reporting period* means the time period relating to the reports filed with EPA by the refiner, importer, or oxygenate blender, and generally is the calendar year.

[59 FR 7875, Feb. 16, 1994, as amended at 70 FR 74574, Dec. 15, 2005; 71 FR 26701, May 8, 2006]

§ 80.127 Sample size guidelines.

In performing the attest engagement, the auditor shall sample relevant populations to which agreed-upon procedures will be applied using the methods specified in this section, which shall constitute a representative sample.

(a) Sample items shall be selected in such a way as to comprise a simple random sample of each relevant population; and

(b) Sample size shall be determined using one of the following options:

(1) *Option 1.* Determine the sample size using the following table:

SAMPLE SIZE, BASED UPON POPULATION SIZE	
No. in population (N)	Sample size
66 and larger	29
41-65	25
26-40	20
0-25	N or 19, whichever is smaller.

(2) *Option 2.* Determine the sample size in such a manner that the sample size is equal to that which would result by using the following parameters and standard statistical methodologies:

- Confidence Level—95%
- Expected Error Rate—0%
- Maximum Tolerable Error Rate—10%

(3) *Option 3.* The auditor may use some other form of sample selection and/or some other method to determine