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and volume of the previously certified gasoline when received at the refinery and records that reflect the storage and movement of the previously certified gasoline to the point the previously certified gasoline is used to produce conventional gasoline.

(xiii) In the case of gasoline subject to an approved petition under § 80.93(d), documents that reflect that the gasoline was produced or imported for use in Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, as applicable.

(xiv) In the case of butane blended into conventional gasoline under § 80.82, documentation of:

(A) The volume of the butane added;

(B) The volume of the gasoline prior to and subsequent to the butane blending;

(C) The purity and properties of the butane under § 80.82(c) and (d), as appropriate; and

(D) Compliance with the requirements of § 80.82.

(xv) In the case of any imported GTAB, documents that reflect the physical movement of the GTAB from the point of importation to the point of blending to produce gasoline.

(b) For all parties described in this section that produce and distribute gasoline, in the case of any interface or transmix used to produce conventional gasoline under § 80.84, records that reflect the results of any sampling and testing of conventional gasoline under § 80.84.

(1) Pipelines must keep records showing that the interface was designated in the proper manner according to the designations listed in § 80.84(b)(1).

(2) Transmix processors and transmix blenders must keep records showing that their transmix meets the definition in § 80.84(a)(2), or contains gasoline and distillate fuel only from the sources listed in § 80.84(e).

(3) Transmix processors must keep records showing the volumes of conventional gasoline recovered from transmix and the type and amount of any blendstock added, if applicable.

(4) Transmix blenders must keep records showing compliance with the quality assurance program and/or sampling and testing requirements in § 80.84(d)(2) or (d)(3) for each batch of

conventional gasoline with which transmix is blended, the volume of the batch, and the volume of transmix blended into the batch.

(c) All parties in the gasoline distribution network 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; 70 FR 74573, Dec. 15, 2005; 71 FR 31963, June 2, 2006; 72 FR 60581, Oct. 25, 2007]

§ 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

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the average olefin content under paragraph (a)(4)(i)(G) of this section in volume 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);

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

(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;

(vii) In the case of butane blended with conventional gasoline under § 80.82:

(A) Identification of the butane batch as complying with the provisions of § 80.82;

(B) Identification of the butane batch as commercial or non-commercial grade butane;

(C) The batch number of the butane;

(D) The date of production of the gasoline produced using the butane;

(E) The volume of the butane batch;

(F) The properties of the butane batch specified by the butane supplier, or the properties specified in § 80.82(c) or (d), as appropriate.

(G) Where butane is blended with conventional gasoline during the period May 1 through September 15, the Reid vapor pressure, as measured using the appropriate test method in § 80.46; and

(viii) In the case of any imported GTAB, identification of the gasoline as GTAB.

(6) Such other information as EPA may require.

(7) For refiners that blend any butane with conventional gasoline under § 80.82, the report required under paragraph (a) of this section must include the following information for the annual averaging period:

(i) The total volume of butane blended with conventional gasoline;

(ii) The total volume of conventional gasoline produced using butane;

(iii) A statement that the gasoline produced using butane meets all applicable downstream standard that apply to conventional gasoline under Subpart E; and

(iv) A statement that all butane blended with conventional gasoline at the refinery is included in the volume under paragraph (a)(7)(i) of this section, or a statement that all butane blended with conventional gasoline is included in the refinery's annual average compliance calculations under § 80.101.

(b) The reporting requirements of paragraph (a) of this section do not 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 for each refinery and importer

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shall cause to be submitted to the Administrator of EPA, by May 31 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; 70 FR 74573, Dec. 15, 2005]

§ 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; and

(vi) 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.

(b) [Reserved]

[59 FR 7860, Feb. 16, 1994, as amended at 67 FR 8738, Feb. 26, 2002; 70 FR 74573, Dec. 15, 2005]

§§ 80.107–80.124 [Reserved]

Subpart F—Attest Engagements

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

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§ 80.125 Attest engagements.

(a) Any refiner and importer 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 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