

(c) *Length of time records shall be kept.* Records required in this section shall be kept for five years from the date they were created, except that records relating to credit transfers shall be kept by the transferor for five years from the date the credits were transferred, and shall be kept by the transferee for five years from the date the credits were transferred, used or terminated, whichever is later.

(d) *Make records available to EPA.* On request by EPA, the records specified in this section shall be provided to the Administrator. For records that are electronically generated or maintained, the equipment and software necessary to read the records shall be made available, or upon approval by EPA, electronic records shall be converted to paper documents which shall be provided to the Administrator.

§ 80.1352 What are the pre-compliance reporting requirements for the gasoline benzene program?

(a) Except as provided in paragraph (c) of this section, a refiner for each of its refineries shall submit the following information, as applicable, to EPA by June 1, 2008 and annually thereafter through June 1, 2011, or through June 1, 2015 for small refiners approved under § 80.1340:

(1) Changes to the information submitted in the company's registration;

(2) Changes to the information submitted for any refinery or import facility registration;

(3) *Gasoline production.*

(i) An estimate of the average daily volume (in gallons) of gasoline produced at each refinery. This estimate shall include RFG, RBOB, conventional gasoline and conventional gasoline blendstock that becomes finished gasoline solely upon the addition of oxygenate but shall exclude gasoline exempted pursuant to § 80.1235.

(ii) The volume estimates specified in paragraph (a)(3)(i) of this section must be provided for the periods of June 1, 2007 through December 31, 2007, and calendar years 2008 through 2015.

(4) *Benzene concentration.* An estimate of the average gasoline benzene concentration corresponding to the time periods specified in paragraph (a)(3)(ii) of this section.

(5) *ABT participation.* For each year through 2015, the following information related to credits shall be provided to EPA, if applicable:

(i) If the refinery is expecting to generate benzene credits per § 80.1275 and/or § 80.1290, the actual or estimated, as applicable, numbers of early credits and standard credits expected to be generated.

(ii) If the refinery is expecting to use benzene credits per § 80.1295, the actual or estimated, as applicable, numbers of early credits and standard credits expected to be banked, transferred or used to achieve compliance in accordance with § 80.1240.

(6) Information on any project schedule by quarter of known or projected completion date, by the stage of the project. See, for example, the five project phases described in EPA's June 2002 Highway Diesel Progress Review report (EPA420-R-02-016, <http://www.epa.gov/otaq/regs/hd2007/420r02016.pdf>): Strategic planning, Planning and front-end engineering, Detailed engineering and permitting, Procurement and Construction, and Commissioning and startup.

(7) Basic information regarding the selected technology pathway for compliance (*e.g.*, precursor re-routing or other technologies, revamp vs. grass-roots, etc.).

(8) Whether capital commitments have been made or are projected to be made.

(b) The pre-compliance reports due in 2008 and succeeding years must provide an update of the progress in each of these areas and include actual values where available.

(c) The pre-compliance reporting requirements of this section do not apply to refineries that only produce products exempt from the requirements of this subpart per § 80.1235(b).

§ 80.1354 What are the reporting requirements for the gasoline benzene program?

(a) Beginning with earliest applicable date specified in § 80.1347(a)(2), any refiner for each of its refineries, and any importer for the gasoline it imports, shall submit to EPA an Annual Gasoline Benzene Report that contains the information required in this section,

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and such other information as EPA may require for each applicable averaging period.

(b) The Annual Gasoline Benzene Report shall contain the following information:

(1) Benzene volume percent and volume of any RFG, RBOB, and conventional gasoline, separately by batch, produced by the refinery or imported, and the sum of the volumes and the volume-weighted benzene concentration, in volume percent.

(2)(i) The annual average benzene concentration, per § 80.1238.

(ii) The maximum average benzene concentration per § 80.1240(b).

(3) Any benzene deficit from the previous reporting period, per § 80.1230(b).

(4) The number of banked benzene credits from the previous reporting period.

(5) The number of benzene credits generated under § 80.1275, if applicable.

(6) The number of benzene credits generated under § 80.1290, if applicable.

(7) The number of benzene credits transferred to the refinery or importer, per § 80.1295(c), and the cost of the credits, if applicable.

(8) The number of benzene credits transferred from the refinery or importer, per § 80.1295(c), and the price of the credits, if applicable.

(9) The number of benzene credits terminated or expired.

(10) The compliance benzene value per § 80.1240.

(11) The number of banked benzene credits.

(12) Projected credit generation through compliance year 2015.

(13) Projected credit use through compliance year 2015.

(c) EPA may require submission of additional information to verify compliance with the requirements of this subpart.

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

(1) Submitted on forms and following procedures specified by the Administrator.

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

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

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ATTEST ENGAGEMENTS

§ 80.1356 What are the attest engagement requirements for gasoline benzene compliance?

In addition to the requirements for attest engagements that apply to refiners and importers under §§ 80.125 through 80.130, 80.410, and 80.1030, the attest engagements for refiners and importers must include the following:

(a) *EPA Early Credit Generation Baseline Years' Reports.* (1) Obtain and read a copy of the refinery's or importer's annual reports and batch reports filed with EPA for 2004 and 2005 that contain gasoline benzene and gasoline volume information.

(2) Agree the yearly volumes of gasoline and benzene concentration, in volume percent and benzene gallons, reported to EPA in the reports specified in paragraph (a)(1) of this section with the inventory reconciliation analysis under § 80.128.

(3) Verify that the information in the refinery's or importer's batch reports filed with EPA under §§ 80.75 and 80.105, and any laboratory test results, agree with the information contained in the reports specified in paragraph (a)(1) of this section.

(4) Calculate the average benzene concentration for all of the refinery's or importer's gasoline volume over 2004 and 2005 and verify that those values agree with the values reported to EPA per § 80.1285.

(b) *Baseline for Early Credit Generation.* Take the following steps for the first attest reporting period following approval of a benzene baseline:

(1) Obtain the EPA benzene baseline approval letter for the refinery to determine the refinery's applicable benzene baseline under § 80.1285.

(2) Obtain a written statement from the company representative identifying the benzene value used as the refinery's baseline and agree that number to paragraph (b)(1) of this section and to the reports to EPA.

(c) *Early Credit Generation.* The following procedures shall be completed for a refinery or importer that generates early benzene credits per § 80.1275: