

(2) Be signed by the president or owner of the foreign refiner company, or by that person's immediate designee, and shall contain the following declaration:

I hereby certify: (1) That I have actual authority to sign on behalf of and to bind [insert name of foreign refiner] with regard to all statements contained herein; (2) that I am aware that the information contained herein is being certified, or submitted to the United States Environmental Protection Agency, under the applicable requirements of 40 CFR part 80, subparts H and O, and that the information is material for determining compliance under these regulations; and (3) that I have read and understand the information being certified or submitted, and this information is true, complete and correct to the best of my knowledge and belief after I have taken reasonable and appropriate steps to verify the accuracy thereof.

I affirm that I have read and understand the provisions of 40 CFR part 80, subpart O, including 40 CFR 80.1666 [insert name of foreign refiner]. Pursuant to Clean Air Act section 113(c) and 18 U.S.C. 1001, the penalty for furnishing false, incomplete or misleading information in this certification or submission is a fine of up to \$10,000, and/or imprisonment for up to five years.

§ 80.1667 Attest engagement requirements.

In addition to the requirements for attest engagements that apply to refiners and importers under §§ 80.125 through 80.130, 80.1666, and other sections of this part 80 the attest engagements for importers and refiners must include the following procedures and requirements each year.

(a) *Refiners subject to national standards and Small Refiner and Small Volume Refinery Status.* (1) If the refiner asserts small refinery status or small volume refinery status for the refinery, obtain the EPA approval letter for the refinery to determine the refinery's applicable annual average standard and credit generation status.

(2) Determine whether the refinery applied the correct annual average sulfur standard and whether it was eligi-

ble to generate credits and report the finding.

(3) If the annual average sulfur standard is incorrect or credit generation was inappropriate, recalculate compliance using the appropriate sulfur standard and using appropriate credits and report as a finding.

(b) *EPA reports.* (1) Obtain and read a copy of the refinery's or importer's annual sulfur reports filed with EPA for the year.

(2) Agree the yearly volume of gasoline reported to EPA in the sulfur reports with the inventory reconciliation analysis under the attest engagement provisions of § 80.128.

(3) Calculate the annual average sulfur level for all gasoline and agree that value with the value reported to EPA.

(4) Obtain and read a copy of the refinery's or importer's sulfur credit report.

(5) Agree 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, with the information contained in the annual sulfur report required under § 80.1652.

(c) *Credit generation before 2017.* In the case of a refinery that generates credits during 2014 through 2016—

(1) Obtain a written representation from the company representative stating the refinery produces gasoline from crude oil.

(2) Obtain the annual average sulfur level from paragraph (b)(3) of this section.

(3) Compute and report as a finding the total number of sulfur credits generated, and agree this value with the value reported to EPA.

(d) *Credit generation in 2017 and thereafter.* The following procedures shall be completed for a refinery or importer that generates credits in 2017 and thereafter:

(1) Obtain the annual average sulfur level for gasoline from paragraph (b)(3) of this section.

(2) If the sulfur value under paragraph (d)(1) of this section is less than 10 ppm, compute and report as a finding the difference between the sulfur level under paragraph (d)(1) of this section and 10 ppm.

(3) Compute and report as a finding the total number of sulfur credits generated, and agree this number with the number reported to EPA.

(e) *Credit purchases and sales.* The following attest procedures shall be completed for a refinery or importer that is a transferor or transferee of credits during an averaging period:

(1) Obtain contracts or other documents for all credits transferred to another refinery or importer during the year being reviewed; compute and report as a finding the number and year of creation of credits represented in these documents as being transferred away; and agree with the report to EPA.

(2) Obtain contracts or other documents for all credits received during the year being reviewed; compute and report as a finding the number and year of creation of credits represented in these documents as being received; and agree with the report to EPA.

(f) *Credit expiration.* A refinery or importer that possesses credits during an averaging period must obtain a list of all credits in the refiner's or importer's possession at any time during the year being reviewed, identified by the year of creation of the credits.

(g) *Credit reconciliation.* The following attest procedures shall be completed each year credits were in the refiner's or importer's possession at any time during the year:

(1) Obtain the credits remaining or the credit deficit from the previous year from the refiner's or importer's report to EPA for the previous year.

(2) Compute and report as a finding the net credits remaining at the conclusion of the year being reviewed by totaling—

- (i) Credits remaining from the previous year; plus
- (ii) Credits generated under in an averaging period; plus
- (iii) Credits purchased; minus
- (iv) Credits sold; minus
- (v) Credits used; minus
- (vi) Credits expiring; minus
- (vii) Credit deficit from the previous year.

(3) Agree the credits remaining or the credit deficit at the conclusion of the year being reviewed with the report to EPA.

(4) If the refinery or importer had a credit deficit for both the previous year and the year being reviewed, report this fact as a finding.

APPENDIX A TO PART 80—TEST FOR THE DETERMINATION OF PHOSPHORUS IN GASOLINE

1. Scope.

1.1 This method was developed for the determination of phosphorus generally present as pentavalent phosphate esters or salts, or both, in gasoline. This method is applicable for the determination of phosphorus in the range from 0.0008 to 0.15 g P/U.S. gal, or 0.2 to 49 mg P/liter.

2. Applicable documents.

2.1 ASTM Standards:

D 1100 Specification for Filter Paper for Use in Chemical Analysis.

3. Summary of method.

3.1 Organic matter in the sample is decomposed by ignition in the presence of zinc oxide. The residue is dissolved in sulfuric acid and reacted with ammonium molybdate and hydrazine sulfate. The absorbance of the "Molybdenum Blue" complex is proportional to the phosphorus concentration in the sample and is read at approximately 820 nm in a 5-cm cell.

4. Apparatus.

4.1 Buret, 10-ml capacity, 0.05-ml subdivisions.

4.2 Constant-Temperature Bath, equipped to hold several 100-ml volumetric flasks submerged to the mark. Bath must have a large enough reservoir or heat capacity to keep the temperature at 180 to 190 °F (82.2 to 87.8 °C) during the entire period of sample heating.

NOTE 1: If the temperature of the hot water bath drops below 180 °F (82.2 °C) the color development may not be complete.

4.3 Cooling Bath, equipped to hold several 100-ml volumetric flasks submerged to the mark in ice water.

4.4 Filter Paper, for quantitative analysis, Class G for fine precipitates as defined in Specification D 1100.

4.5 Ignition Dish—Coors porcelain evaporating dish, glazed inside and outside, with pourout (size no. 00A, diameter 75 mm, capacity 70 ml).

4.6 Spectrophotometer, equipped with a tungsten lamp, a red-sensitive phototube capable of operating at 830 nm and with absorption cells that have a 5-cm light path.

4.7 Thermometer, range 50 to 220 °F (10 to 105 °C).