

**§ 1068.525**

**40 CFR Ch. I (7-1-04 Edition)**

(7) Describe any adverse effects on the functions of other engine components that would be caused by not repairing the engine.

(8) Specify the date you will start the repairs, the amount of time you will need to do them, and where you will do them. Include any other information owners may need to know.

(9) Include a self-addressed card that owners can mail back if they have sold the engine (or equipment in which the engine is installed); include a space for owners to write the name and address of a buyer.

(10) State that owners should call you at a phone number you give to report any difficulty in obtaining repairs.

(11) State: "To ensure your full protection under the emission warranty on your engine by federal law, and your right to participate in future recalls, we recommend you have your engine serviced as soon as possible. We may consider your not servicing it to be improper maintenance".

(b) We may require you to add information to your notice or to send more notices.

(c) You may not in any communication with owners or dealers say or imply that your noncompliance does not exist or that it will not degrade air quality.

**§ 1068.525 What records must I send to EPA?**

(a) Send us a copy of all communications related to the remedial plan you sent to dealers and others doing the repairs. Mail or e-mail us the information at the same time you send it to others.

(b) From the time you begin to notify owners, send us a report within 25 days of the end of each calendar quarter. Send reports for six consecutive quarters or until all the engines are inspected, whichever comes first. In these reports, identify the following:

(1) The range of dates you needed to notify owners.

(2) The total number of notices sent.

(3) The number of engines you estimate fall under the remedial plan (explain how you determined this number).

(4) The cumulative number of engines you inspected under the remedial plan.

(5) The cumulative number of these engines you found needed the specified repair.

(6) The cumulative number of these engines you have repaired.

(7) The cumulative number of engines you determined to be unavailable due to exportation, theft, retirement, or other reasons (specify).

(8) The cumulative number of engines you disqualified for not being properly maintained or used.

(c) If your estimated number of engines falling under the remedial plan changes, change the estimate in your next report and add an explanation for the change.

(d) We may ask for more information.

(e) We may waive reporting requirements or adjust the reporting schedule.

(f) If anyone asks to see the information in your reports, we will follow the provisions of §1068.10 for handling confidential information.

**§ 1068.530 What records must I keep?**

We may review your records at any time, so it is important that you keep required information readily available. Keep records associated with your recall campaign for three years after you complete your remedial plan. Organize and maintain your records as described in this section.

(a) Keep a paper copy of the written reports described in §1068.525.

(b) Keep a record of the names and addresses of owners you notified. For each engine, state whether you did any of the following:

(1) Inspected the engine.

(2) Disqualified the engine for not being properly maintained or used.

(3) Completed the prescribed repairs.

(c) You may keep the records in paragraph (b) of this section in any form we can inspect, including computer databases.

EFFECTIVE DATE NOTE: At 69 FR 39273, June 29, 2004, §1068.530 was amended by revising the introductory text, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

**§ 1068.530 What records must I keep?**

We may review your records at any time, so it is important that you keep required information readily available. Keep records associated with your recall campaign for three

years after you send the last report we require under §1068.525(b). Organize and maintain your records as described in this section.

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**§1068.535 How can I do a voluntary recall for emission-related problems?**

If we have made a determination that a substantial number of properly maintained and used engines do not conform to the regulations of this chapter during their useful life, you may not use a voluntary recall or other alternate means to meet your obligation to remedy the noncompliance. Thus, this section only applies where you learn that your engine family does not meet the requirements of this chapter and we have not made such a determination.

(a) To do a voluntary recall under this section, first send the Designated Officer a plan, following the guidelines in §1068.510. Within 15 days, we will send you our comments on your plan.

(b) Once we approve your plan, start notifying owners and carrying out the specified repairs.

(c) From the time you start the recall campaign, send us a report within 25 days of the end of each calendar quarter, following the guidelines in §1068.525(b). Send reports for six consecutive quarters or until all the engines are inspected, whichever comes first.

(d) Keep your reports and the supporting information as described in §1068.530.

**§1068.540 What terms do I need to know for this subpart?**

The following terms apply to this subpart:

*Days* means calendar days.

*Owner* means someone who owns an engine affected by a remedial plan or someone who owns a piece of equipment that has one of these engines.

**Subpart G—Hearings**

**§1068.601 What are the procedures for hearings?**

If we agree to hold a hearing related to our decision to order a recall under §1068.505, we will hold the hearing ac-

ording to the provisions of 40 CFR 85.1807. For any other issues, you may request an informal hearing, as described in 40 CFR 86.1853-01.

**APPENDIX I TO PART 1068—EMISSION-RELATED COMPONENTS**

This appendix specifies emission-related components that we refer to for describing such things as emission-related defects or requirements related to rebuilding engines.

- I. Emission-related components include any engine parts related to the following systems:
  - 1. Air-induction system.
  - 2. Fuel system.
  - 3. Ignition system.
  - 4. Exhaust gas recirculation systems.
- II. The following parts are also considered emission-related components:
  - 1. Aftertreatment devices.
  - 2. Crankcase ventilation valves.
  - 3. Sensors.
  - 4. Electronic control units.
- III. Emission-related components also include any other part whose only purpose is to reduce emissions or whose failure will increase emissions without significantly degrading engine performance.
- IV. We also consider the emission-control information label to be an emission-related component.

EFFECTIVE DATE NOTE: At 69 FR 39273, June 29, 2004, Appendix I to part 1068 was amended by removing paragraph IV and revising the introductory text, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

**APPENDIX I TO PART 1068—EMISSION-RELATED COMPONENTS**

This appendix specifies emission-related components that we refer to for describing such things as emission-related warranty or requirements related to rebuilding engines.

**APPENDIX II TO PART 1068—EMISSION-RELATED PARAMETERS AND SPECIFICATIONS**

This appendix specifies emission-related parameters and specifications that we refer to for describing such things as emission-related defects or requirements related to rebuilding engines.

- I. Basic Engine Parameters—Reciprocating Engines.
  - 1. Compression ratio.
  - 2. Type of air aspiration (natural, Roots-blown, supercharged, turbocharged).
  - 3. Valves (intake and exhaust).
    - a. Head diameter dimension.
    - b. Valve lifter or actuator type and valve lash dimension.