

## Environmental Protection Agency

## §91.211

(d) The manufacturer must retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as hard copy or reduced to microfilm, ADP diskettes, and so forth, depending on the manufacturer's record retention procedure; provided, that in every case all information contained in the hard copy is retained.

(e) Nothing in this section limits the Administrator's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(f) Pursuant to a request made by the Administrator, the manufacturer must submit to the Administrator the information that the manufacturer is required to retain.

(g) EPA may void *ab initio* a certificate of conformity for an engine family for which the manufacturer fails to retain the records required in this section or to provide such information to the Administrator upon request pursuant to §91.123.

### §91.210 End-of-year and final reports.

(a) End-of-year and final reports must indicate the engine family, the actual sales volume, the values required to calculate credits as given in §91.207, and the number of credits generated/required. Manufacturers must also submit how and where credit surpluses were dispersed (or are to be banked) and/or how and through what means credit deficits were met. Copies of contracts related to credit trading must be included or supplied by the broker, if applicable. The report must include a calculation of credit balances to show that the credit summation is equal to or greater than zero.

(b) The sales volume for end-of-year and final reports must be based on the location of the point of first retail sale (for example, retail customer or dealer) also called the final product purchase location.

(c)(1) End-of-year reports must be submitted within 90 days of the end of the model year to: Manager, Engine Compliance Programs Group (6403-J), US Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(2) Final reports must be submitted within 270 days of the end of the model year to: Manager, Engine Compliance Programs Group (6403-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(d) Failure by a manufacturer to submit any end-of-year or final reports in the specified time for all engines is a violation of §91.1103(a)(2) and section 213(d) of the Clean Air Act for each engine.

(e) A manufacturer generating credits for banking only who fails to submit end-of-year reports in the applicable specified time period (90 days after the end of the model year) may not use the credits until such reports are received and reviewed by EPA. Use of projected credits pending EPA review is not permitted in these circumstances.

(f) Errors discovered by EPA or the manufacturer in the end-of-year report, including errors in credit calculation, may be corrected in the final report up to 270 days from the end of the model year.

(g) If EPA or the manufacturer determines that a reporting error occurred on an end-of-year or final report previously submitted to EPA under this section, the manufacturer's credits and credit calculations must be recalculated. Erroneous positive credits will be void except as provided in paragraph (h) of this section. Erroneous negative credit balances may be adjusted by EPA.

(h) If within 270 days of the end of the model year, EPA review determines a reporting error in the manufacturer's favor (that is, resulting in an increased credit balance) or if the manufacturer discovers such an error within 270 days of the end of the model year, EPA shall restore the credits for use by the manufacturer.

### §91.211 Notice of opportunity for hearing.

Any voiding of the certificate under §§91.203(f), 91.206(d), 91.207(d), 91.208(c), or §91.209(g) shall be made only after the manufacturer concerned is offered an opportunity for a hearing conducted in accordance with §§91.512, 91.513 and 91.514 and, if a manufacturer requests

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such a hearing, will be made only after an initial decision by the Presiding Officer.

### Subpart D—Emission Test Equipment Provisions

#### §91.301 Scope; applicability.

(a) This subpart describes the equipment required in order to perform exhaust emission tests on new marine gasoline-fueled spark-ignition propulsion engines subject to the provisions of subpart A of this part 91.

(b) Exhaust gases are sampled while the test engine is operated using a steady state test cycle on an engine dynamometer. Exhaust gas sampling may be performed using either the raw gas sampling method or the constant volume sampling (CVS) method. The exhaust gases receive specific component analysis determining concentration of pollutant, exhaust volume, the fuel flow, and the power output during each mode. Emissions are reported on a gram per brake-kilowatt hour (g/kW-hr). See subpart E of this part for a complete description of the test procedure.

(c) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in 40 CFR part 1065. Examples for system design, calibration methodologies, and so forth, for dilute sampling can be found in 40 CFR part 1065.

[61 FR 52102, Oct. 4, 1996, as amended at 70 FR 40451, July 13, 2005]

#### §91.302 Definitions.

The definitions in §91.3 apply to this subpart.

#### §91.303 Acronyms and abbreviations.

(a) The acronyms and abbreviations in §91.5 apply to this subpart.

(b) The symbols in Table 1 in appendix A of this subpart apply to this subpart.

#### §91.304 Test equipment overview.

(a) All engines subject to this subpart are tested for exhaust emissions. Engines are operated on dynamometers meeting the specification given in §91.305.

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(b) The exhaust is tested for gaseous emissions using either a constant volume sampling (CVS) system as described in §91.414, or using the raw gas sampling system as described in §91.421. Both systems require analyzers (see paragraph (c) of this section) specific to the pollutant being measured.

(c) Analyzers used are a non-dispersive infrared detector (NDIR) absorption type for carbon monoxide and carbon dioxide analysis; paramagnetic detector (PMD), zirconia (ZRDO), or electrochemical type (ECS) for oxygen analysis; a flame ionization detector (FID) or heated flame ionization detector (HFID) type for hydrocarbon analysis; and a chemiluminescent detector (CLD) or heated chemiluminescent detector (HCLD) for oxides of nitrogen analysis.

#### §91.305 Dynamometer specifications and calibration accuracy.

(a) *Dynamometer specifications.* (1) The dynamometer test stand and other instruments for measurement of engine speed and torque must meet the accuracy requirements shown in Table 2 in appendix A to this subpart. The dynamometer must be capable of performing the test cycle described in §91.410.

(b) *Dynamometer calibration accuracy.* (1) The dynamometer test stand and other instruments for measurement of engine torque and speed must meet the calibration frequency shown in Table 2 in appendix to this subpart.

(2) A minimum of three calibration weights for each range used is required. The weights must be equally spaced and traceable to within 0.5 percent of National Institute of Standards and Testing (NIST) weights. Laboratories located in foreign countries may certify calibration weights to local government bureau standards.

#### §91.306 Dynamometer torque cell calibration.

(a)(1) Any lever arm used to convert a weight or a force through a distance into a torque must be used in a horizontal position for horizontal shaft dynamometers ( $\pm$ five degrees). For vertical shaft dynamometers, a pulley system may be used to convert the