

Environmental Protection Agency

§ 85.2403

provided in section 208 of the Clean Air Act.

[69 FR 26248, May 11, 2004, as amended at 71 FR 39184, July 11, 2006; 73 FR 3612, Jan. 18, 2008]

EFFECTIVE DATE NOTE: At 73 FR 37192, June 30, 2008, § 85.2401 was amended by revising paragraphs (a)(7) and (a)(8), effective July 7, 2008. For the convenience of the user, the revised text is set forth as follows:

§ 85.2401 To whom do these requirements apply?

(a) * * *

(7) Locomotives (See 40 CFR parts 92 and 1033);

(8) Marine engines (See 40 CFR parts 91, 94, and 1042 and MARPOL Annex VI, as applicable);

* * * * *

§ 85.2402 [Reserved]

§ 85.2403 What definitions apply to this subpart?

(a) The following definitions apply to this subpart:

Agency or EPA means the U.S. Environmental Protection Agency.

Annex IV is a Statement of Voluntary Compliance or Engine International Air Pollution Prevention Certificate issued by EPA under MARPOL Annex VI.

Body builder means a manufacturer, other than the OEM, who installs certified on-highway HDE engines into equipment such as trucks, busses or other highway vehicles.

California-only certificate is a Certificate of Conformity issued by EPA which only signifies compliance with the emission standards established by California.

Certification request means a manufacturer's request for certification evidenced by the submission of an application for certification, ESI data sheet, or ICI Carryover data sheet. A single certification request covers one test group, engine family, or engine system combination as applicable. For HDV evaporative certification, the certification request covers one evaporative family.

Consumer Price Index means the consumer price index for all U.S. cities using the "U.S. city average" area, "all items" and "not seasonally ad-

justed" numbers calculated by the Department of Labor.

Federal certificate is a Certificate of Conformity issued by EPA which signifies compliance with emission requirements in any of the parts specified in paragraph (b) of this section.

Fuel economy basic engine means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system, catalyst usage, and other characteristics specified by the Administrator.

Filing form means the MVECP Fee Filing Form to be sent with payment of the MVECP fee.

MARPOL Annex VI is an annex to the International Convention on the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto; the international treaty regulating disposal of wastes generated by normal operation of vessels.

Other category includes: HD HW evap, including ICI; Marine (excluding in-board & sterndrive) including ICI & Annex VI; NR SI, including ICI; NR Recreational (non-marine), including ICI; Locomotives, including ICI.

Recreational means the engines subject to 40 CFR part 1051 which includes off road motorcycles, all-terrain vehicles, and snowmobiles.

Subcategory refers to the divisions of the light-duty category which is composed of two subcategories, the certification/fuel economy subcategory and the in-use subcategory.

Total number of certificates issued means the number of certificates for which fees are paid or waivers are issued. This term is not intended to represent multiple certificates which are issued within a single family or test group.

(b) The definitions contained in the following parts also apply to this subpart. If the term is defined in paragraph (a) of this section then that definition will take precedence.

- (1) 40 CFR part 85;
- (2) 40 CFR part 86;
- (3) 40 CFR part 89;
- (4) 40 CFR part 90;
- (5) 40 CFR part 91;
- (6) 40 CFR part 92;
- (7) 40 CFR part 94;
- (8) 40 CFR part 1039;
- (9) 40 CFR part 1048;

§ 85.2404

40 CFR Ch. I (7–1–08 Edition)

- (10) 40 CFR part 1051; and
- (11) 40 CFR part 60, subparts IIII and JJJJ.

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§ 85.2404 What abbreviations apply to this subpart?

The abbreviations in this section apply to this subpart and have the following meanings:

- Annex IV—a Statement of Voluntary Compliance or Engine International Air Pollution Prevention Certificate issued by EPA under MARPOL Annex VI.
- Cal—California;
- CI—Compression-ignition (Diesel) cycle engine;
- CPI—Consumer Price Index;
- ESI—Engine System Information;
- EPA—U.S. Environmental Protection Agency;
- Evap—Evaporative Emissions;
- Fed—Federal;
- HD—Heavy-duty
- HDE—Heavy-duty motor vehicle engine;

- HDV—Heavy-duty motor vehicle;
- HW—On-Highway versions of a vehicle or engine;
- ICI—Independent Commercial Importer;
- LD—Light-Duty motor vehicle including both LDT and LDV;
- LDT—Light-duty truck;
- LDV—Light-duty vehicle;
- MARPOL—An International Maritime Organization treaty for the control of marine pollution;
- MC—Motorcycle;
- MDPV—Medium-Duty Passenger Vehicle;
- MVECP—Motor Vehicle and Engine Compliance Program;
- MY—Model Year;
- NR—Nonroad version of a vehicle or engine;
- OEM—Original equipment manufacturer;
- SI—Spark-ignition (Otto) cycle engine.

§ 85.2405 How much are the fees?

(a) *Fees for the 2004 and 2005 calendar years.* For certification applications received for these calendar years that qualify for today’s fees under the provisions of § 85.2401 (b), the fee for each certification request is in the following table:

Category	Certificate type	Fee
(1) LD, excluding ICIs	Fed Certificate	\$33,883
(2) LD, excluding ICIs	Cal-only Certificate	16,944
(3) MDPV, excluding ICIs	Fed Certificate	33,883
(4) MDPV, excluding ICIs	Cal-only Certificate	16,944
(5) Complete SI HDVs, excluding ICIs	Fed Certificate	33,883
(6) Complete SI HDVs, excluding ICIs	Cal-only Certificate	16,944
(7) ICIs for the following industries: LD, MDPV, or Complete SI HDVs	All Types	8,387
(8) MC (HW), including ICIs	All Types	2,414
(9) HDE (HW), including ICIs	Fed Certificate	21,578
(10) HDE (HW), including ICIs	Cal-only Certificate	826
(11) HDV (evap), including ICIs	Evap	826
(12) NR CI engines, including ICIs, but excluding Locomotives, Marine and Recreational engines.	All Types	1,822
(13) NR SI engines, including ICIs	All Types	826
(14) Marine engines, excluding inboard & sterndrive engines, including ICIs.	All Types and Annex VI	826
(15) All NR Recreational, including ICIs, but excluding marine engines ...	All Types	826
(16) Locomotives, including ICIs	All Types	826

(1) A manufacturer that requests a federal certificate for a marine engine family and an Annex VI for the same engine family will be charged the fee indicated in paragraph (a) of this section, Table item 14, for only the federal certificate.

(2) [Reserved]

(b) *Fees for 2006 calendar year and beyond.* (1) This subpart applies to manufacturers that submit certification requests received by the agency on or after January 1 of each calendar year beginning in 2006. The fees due for each

certification request will be calculated using an equation which adjusts the fees in paragraph (a) of this section for the change in the consumer price index and the change in the total number of certificates issued for each fee category.

(2) Certification requests which are complete, contain all required data, and are received prior to January 1 of each calendar year are subject to the fees provisions of the year that they are received by the Agency.