

§ 85.2407

40 CFR Ch. I (7-1-08 Edition)

(4) If the initial fee payment exceeds the final reduced fee then the manufacturer may request a refund using the procedures of § 85.2407.

(5) Manufacturers must retain in their records the basis used to calculate the projected sales and fair retail market value and the actual sales and retail price for the vehicles and engines covered by each certificate that is issued under the reduced fee provisions of this section. This information must be retained for a period of at least three years after the issuance of the certificate and must be provided to the Agency within 30 days of request. Manufacturers are also subject to the applicable maintenance of records requirements of Part 86, Subpart A. If a manufacturer fails to maintain the records or provide such records to EPA as required by this paragraph then EPA may void *ab initio* the certificate for which such records shall be kept.

§ 85.2407 Can I get a refund if I don't get a certificate or overpay?

(a) *Full refund.* The Administrator shall refund the total fee imposed by § 85.2405 if the applicant fails to obtain a certificate, for any reason, and requests a refund.

(b) *Partial refund.* The Administrator shall refund a portion of a reduced fee, paid under § 85.2406, due to a decrease in the aggregate projected or actual retail sales price of the vehicles or engines covered by the certificate request. The Administrator shall also refund a portion of the initial payment when the initial payment exceeded the final fee for the vehicles or engines covered by the certificate request.

(1) Partial refunds are only available for certificates which were used for the sale of vehicles or engines within the United States.

(2) Requests for a partial refund may only be made once the model year for the applicable certificate has ended. Requests for a partial refund must be submitted no later than six months after the model year has ended.

(3) Requests for a partial refund must include all the following:

(i) A statement that the applicable certificate was used for the sale of vehicles or engines within the United States.

(ii) A statement of the initial fee amount paid (the reduced fee) under the applicable certificate.

(iii) The actual number of vehicles or engines produced or imported under the certificate (whether or not the vehicles/engines have been actually sold).

(iv) The actual retail selling or asking price for the vehicles or engines produced or imported under the certificate.

(v) The calculation of the reduced fee amount using actual production figures and retail prices.

(vi) The calculated amount of the refund.

(c) *Refunds due to errors in submission.* The Agency will approve requests from manufacturers to correct errors in the amount or application of fees if the manufacturer provides satisfactory evidence that the change is due to an accidental error rather than a change in plans. Requests to correct errors must be made to the Administrator as soon as possible after identifying the error. The Agency will not consider requests to reduce fee amounts due to errors that are reported more than 90 days after the issuance of the applicable certificate of conformity.

(d) In lieu of a refund, the manufacturer may apply the refund amount to the amount due on another certification request.

(e) A request for a full or partial refund of a fee or a report of an error in the fee payment or its application must be submitted in writing to: U.S. Environmental Protection Agency, Vehicle Programs and Compliance Division, Fee Program Specialist, National Vehicle and Fuel Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105.

§ 85.2408 How do I make a fee payment?

(a) All fees required by this subpart shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable in U.S. dollars to the order of the Environmental Protection Agency.

(b) A completed fee filing form must be sent to the address designated on the form for each fee payment made.

(c) Fees must be paid prior to submission of an application for certification.

The Agency will not process applications for which the appropriate fee (or reduced fee amount) has not been fully paid.

(d) If EPA denies a reduced fee, the proper fee must be submitted within 30 days after the notice of denial, unless the decision is appealed. If the appeal is denied, then the proper fee must be submitted within 30 days after the notice of the appeal denial.

§ 85.2409 Deficiencies.

(a) Any filing pursuant to this subpart that is not accompanied by a completed fee filing form and full payment of the appropriate fee is deemed to be deficient.

(b) A deficient filing will be rejected and the amount paid refunded, unless the full appropriate fee is submitted within a time limit specified by the Administrator.

(c) EPA will not process a request for certification associated with any filing that is deficient under this section.

(d) The date of filing will be deemed the date on which EPA receives the full appropriate fee and the completed fee filing form.

APPENDIXES I–VII TO PART 85 [RESERVED]

APPENDIX VIII TO PART 85—VEHICLE AND ENGINE PARAMETERS AND SPECIFICATIONS

A. LIGHT DUTY VEHICLE PARAMETERS AND SPECIFICATIONS

I. Basic Engine Parameters—Reciprocating Engines.

1. Compression ratio.
2. Cranking compression pressure.
3. Valves (intake and exhaust).
 - a. Head diameter dimension.
 - b. Valve lifter or actuator type and valve lash dimension.
 4. Camshaft timing.
 - a. Valve opening (degrees BTDC).
 - b. Valve closing (degrees ATDC).
 - c. Valve overlap (inch-degrees).

II. Basic Engine Parameters—Rotary Engines.

1. Intake port(s).
 - a. Timing and overlap if exposed to the combustion chamber.
 2. Exhaust port(s).
 - a. Timing and overlap if exposed to the combustion chamber.
 3. Cranking compression pressure.
 4. Compression ratio.

III. Air Inlet System.

1. Temperature control system calibration.

IV. Fuel System.

1. General.
 - a. Engine idle speed.
 - b. Engine idle mixture.
2. Carburetion.
 - a. Air-fuel flow calibration.
 - b. Transient enrichment system calibration.
 - c. Starting enrichment system calibration.
 - d. Altitude compensation system calibration.
 - e. Hot idle compensation system calibration.
3. Fuel injection.
 - a. Control parameters and calibration.
 - b. Fuel shutoff system calibration.
 - c. Starting enrichment system calibration.
 - d. Transient enrichment system calibration.
 - e. Air-fuel flow calibration.
 - f. Altitude compensation system calibration.
 - g. Operating pressure(s).
 - h. Injector timing calibrations.
- V. Injection System.
 1. Control parameters and calibration.
 2. Initial timing setting.
 3. Dwell setting.
 4. Altitude compensation system calibration.
 5. Spark plug voltage.

VI. Engine Cooling System.

1. Thermostat calibration.

VII. Exhaust Emission Control System.

1. Air injection system.
 - a. Control parameters and calibrations.
 - b. Pump flow rate.
2. EGR system.
 - a. Control parameters and calibrations.
 - b. EGR valve flow calibration.
 3. Catalytic converter system.
 - a. Active surface area.
 - b. Volume of catalyst.
 - c. Conversion efficiency.
 4. Backpressure.

VIII. Evaporative Emission Control System.

1. Control parameters and calibrations.
2. Fuel tank.
 - a. Pressure and vacuum relief settings.

IX. Crankcase Emission Control System.

1. Control parameters and calibrations.
2. Valve calibration.

X. Auxiliary Emission Control Devices (AECD).

1. Control parameters and calibrations.
2. Component calibration(s).

XI. Emission Control Related Warning Systems.

1. Control parameters and calibrations.
2. Component calibrations.

XII. Driveline Parameters.

1. Axle ratio(s).