

## § 90.124

the certification which are still in the possession of the engine manufacturer, except in cases of such fraud or other misconduct that makes the certification void ab initio.

### § 90.124 Request for hearing.

(a) An engine manufacturer may request a hearing on the Administrator's denial or revocation of a certificate of conformity.

(b) The engine manufacturer's request must be filed within 30 days of the Administrator's decision, be in writing, and set forth the manufacturer's objections to the Administrator's decision and data to support the objections.

(c) If, after review of the request and supporting data, the Administrator finds that the request raises a substantial and factual issue, the Administrator will provide the engine manufacturer a hearing.

### § 90.125 Hearing procedures.

The hearing procedures set forth in §§ 90.513, 90.514, and 90.515 apply to this subpart.

### § 90.126 Right of entry and access.

Any engine manufacturer that has applied for certification of a new engine or engine family subject to certification testing under this subpart must admit or cause to be admitted to any applicable facilities during operating hours any EPA enforcement officer or EPA authorized representative as provided in § 90.506.

## Subpart C—Certification Averaging, Banking, and Trading Provisions

SOURCE: 64 FR 15239, Mar. 30, 1999, unless otherwise noted.

### § 90.201 Applicability.

The requirements of this subpart C are applicable to all Phase 2 spark-ignition engines subject to the provisions of subpart A of this part except as provided in § 90.103(a). These provisions are not applicable to any Phase 1 engines. Participation in the averaging, banking and trading program is voluntary, but if a manufacturer elects to partici-

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pate, it must do so in compliance with the regulations set forth in this subpart. The provisions of this subpart are applicable for HC+NO<sub>x</sub> (NMHC+NO<sub>x</sub>) emissions but not for CO emissions.

### § 90.202 Definitions.

The definitions in subpart A of this part apply to this subpart. The following definitions also apply to this subpart:

*Averaging* means the exchange of emission credits between engine families within a given manufacturer's product line.

*Banking* means the retention of emission credits by the manufacturer generating the emission credits or obtaining such credits through trading, for use in future model year averaging or trading as permitted in this part.

*Emission credits* represent the amount of emission reduction or exceedance, by an engine family, below or above the applicable HC+NO<sub>x</sub> (NMHC+NO<sub>x</sub>) emission standard, respectively. FELs below the standard create "positive credits," while FELs above the standard create "negative credits." In addition, "projected credits" refer to emission credits based on the projected applicable production volume of the engine family. "Reserved credits" are emission credits generated within a model year waiting to be reported to EPA at the end of the model year. "Actual credits" refer to emission credits based on actual applicable production volume as contained in the end-of-year reports submitted to EPA. Some or all of these credits may be revoked if EPA review of the end-of-year reports or any subsequent audit action(s) reveals problems or errors of any nature with credit computations.

*Trading* means the exchange of emission credits between manufacturers.

### § 90.203 General provisions.

(a) The certification averaging, banking, and trading provisions for HC+NO<sub>x</sub> and NMHC+NO<sub>x</sub> emissions from eligible engines are described in this subpart.

(b) An engine family may use the averaging, banking and trading provisions for HC+NO<sub>x</sub> and NMHC+NO<sub>x</sub> emissions if it is subject to regulation under this part with certain exceptions