

July 7, 1992

CD-92-07 (LDV/LDT/HDV/HDE/MC/ICI/SM)

Dear Manufacturer:

Subject: Implementation of the Motor Vehicle and Engine Compliance Program Fees

The Motor Vehicle and Engine Compliance Program (MVECP) Fees Final Rule was published in the Federal Register on July 7, 1992. This rule will take effect on August 6, 1992.

The MVECP fees apply to all manufacturers and Independent Commercial Importers (ICIs) of light-duty vehicles (LDVs), light-duty trucks (LDTS), heavy-duty vehicles (HDVs), heavy-duty engines (HDEs), and motorcycles (MCs). Payment of fees are required in advance of any EPA services related to certification and compliance activities. The MVECP fees will be required for all model year (MY) 1993 and later certification requests. A fee will not be required for certificates issued prior to August 6, 1992. There are special mid-year MY1993 implementation procedures.

Enclosed is a document that describes the MVECP fee filing procedures. This document includes instructions for 1) the preparation and submission of the MVECP fee filing form and fee payment, and 2) requesting fee waivers and refunds. It also contains information on the special mid-year MY1993 implementation procedures, and the MY1993 and MY1994 fee schedule and fee amounts.

Manufacturers are required to comply with the fee requirements listed under 40 CFR, Part 86, Subpart J. Information related to fees must be maintained in the applicant's files to be provided to EPA upon the receipt of a specific request.

Any questions regarding the instructions should be directed to your EPA certification team representative.

Sincerely yours,

Robert E. Maxwell, Director Certification Division
Office of Mobile Sources

Enclosure

MVECP Fee Filing Procedure

1. Fee Filing

The payment procedure begins when the manufacturer initiates a certification request by submitting an Engine System Information (ESI) form or in the case of heavy-duty engines, heavy-duty vehicles, and motorcycles, an application for certification. For each certification request the manufacturer must submit a MVECP Fee Filing Form and the appropriate fee. A Fee Filing Form is attached. Manufacturers can contact their EPA certification representative to obtain additional filing forms.

Fee payments must be made in advance prior to receiving EPA services. Partial payments or installment payments will not be accepted.

2. Fee Filing Address

The fee filing form and full fee payment must be sent to the following address as indicated on the fee filing form:

**Environmental Protection Agency Motor Vehicle and Engine Compliance Program P.O.
Box 954472 St. Louis, MO 63195-4472.**

Sending the fee filing form and full fee Payment to any other address could result in processing delays.

2.1 Fee Filing Form Documentation

A copy of the fee filing form should be included in the application for certification and also included with any request for waiver, waiver adjustment, or fee refund as described in sections 6, 7, and 8

8.

3. Fee Payment

Fees must be paid in advance 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.

3.1 Payment By Check

All payments must be in U.S. dollars but may be drawn on a foreign bank. Send the fee filing form and check to the addresses listed on the fee filing form as indicated in section 2.

3.2 Payment by Electronic Funds Transfer-EFT/Wire

3.2.1. Wire Transfer Location

All U.S. and Foreign Wires are to be transmitted to the:

New York Federal Reserve Bank

Individual banks can establish wiring services for the manufacturer (remitter). A remitter can obtain instructions from their bank on EFT/Wire transactions.

3.2.2 EPA Location Code

The remitter must indicate the EPA location code for all EFT/Wire transactions. The EPA location code is 68-01-0099.

3.2.3 Required Information for the Wire Message Field

The remitter must submit the following information in the wire message field (maximum 80 columns):

Description: "EPA MVECP FEE" (Col 1)

Standard Engine Family Name (Col 15)

Exhaust Emission Control System Number (Col 28)

Corporate Name (Col 29)

3.2.4 Fee Filing Form Address for Electronic Funds Transfer (EFT)

Remitters that wire payment through a U.S. or Foreign bank must send the fee **filing form** to the address listed on the fee filing form as indicated in section 2.

3.2.5 Fee Filing Form Instructions for EFT/Wire

Indicate on the fee filing form that this is an electronic funds transfer and follow the enclosed fee filing form instructions.

3.3 Payment by Electronic Funds Transfer -(EFT/ACH)

In addition to the wire payment method, a remitter may use the Automated Clearing House (ACH) method of electronic funds transfer.

To set up an EFT/ACH payment method the remitter should contact the Mercantile Bank Customer Service Line at 314-425-1294. The EFT/ACH must include a message field similar to an EFT/Wire payment as shown in section 3.2.3.

4. Special Mid-Year MY1993 Implementation Procedures

Manufacturers will be required to submit a fee filing form and fee payment for each MY1993 and later certification request submitted after the effective date of this rule. However, because some active MY1993 certification requests were submitted prior to the effective date, special mid-year implementation procedures shall be followed through this interim period. The mid-year MY1993 implementation procedures are as follows:

4.1 A fee will not be required for certificates issued prior to the effective date of the final rule.

4.2 A fee will not be required for a complete application for certification, without errors, which is received by EPA prior to the effective date of the final rule. To qualify under this provision, the application for certification must include an error-free summary sheet report and all manufacturer and confirmatory testing must be complete. However, a California only application for certification need not have an executive order in place in order to be considered complete for this fees provision.

4.3 A fee will be required for all active MY1993 and later certification requests that are still in process on the effective date of the final rule.

4.4 A fee will be required for all MY1993 and later certification requests submitted after the effective date of the final rule.

Fee Schedule

EPA will phase-in recovery of the total cost associated with MVECP. Phase-in will be at 50% for MY1993 and 100% for MY1994. The fee amount for each certification request type is as follows:

<u>Certification</u> <u>Request Type</u>	<u>MY 1993</u> <u>Fee</u>	<u>MY 1994 (and later)</u> <u>Fee</u>
LDV/LDT		
Fed Signed:	\$11,865	\$23,731
Cal-only Signed:	\$4,563	\$9,127
Fed Unsigned:	\$1,095	\$2,190
Cal-only Unsigned:	\$1,095	\$2,190
HDE/HDV		
Fed Signed:	\$6,292	\$12,584
Cal-only Signed:	\$1,072	\$2,145
Fed Unsigned:	\$1,072	\$2,145
Cal-only Unsigned:	\$1,072	\$2,145
All Evaporative-only:	\$1,072	\$2,145
MCs		
Fed Signed:	\$420	\$840
Cal-only Signed:	\$420	\$840
Fed Unsigned:	\$420	\$840
Cal-only Unsigned:	\$420	\$840

6. Fee Waiver Policy

The purpose of a fee waiver is to alleviate severe economic hardship that the full payment could impose on small manufacturers and Independent Commercial Importers (ICIs). In general, the waiver will benefit manufacturers that have fewer than approximately 100 vehicles of average retail sales value per certificate. Under an approved fee waiver the fee will be limited to 1% of the aggregate retail sales value of vehicles covered by a certificate.

To obtain a waiver of a portion of the fee, an applicant will need to show that:

1. The certificate is to be used for sale or importation of vehicles or engines within the United States; and
2. The full fee for a certification request for a MY exceeds 1% of the aggregate projected retail sales price of all vehicles covered by that certificate. The retail sales price should be based upon the manufacturer's suggested retail sales price.

Fee waiver requests are to be submitted in writing (along with supporting documentation and a copy of the fee filing form) to the address shown in section 9 below. The applicant must calculate the waiver fee amount using the aggregate retail sales value and include supporting information such as, but not limited to, prior actual sales, retail sales price, and previous waiver information. EPA will analyze each waiver request to determine if the applicant has met the requirements for a waiver and will then notify the applicant whether the waiver is approved or denied. A fee waiver request must be approved by EPA prior to fee payment.

If the request is approved EPA will enter the waiver approval number on the fee filing form and then return it to the manufacturer. Upon receipt of the approved waiver request the manufacturer should submit the fee filing form and payment to EPA at the address indicated in section 2.

6.1 Additional ICI Fee Waiver Provisions

For an ICI, the aggregate retail sales value will be based on all vehicles under a certificate, including vehicles modified under the modification and test option in 40 CFR 85.1509. The retail sales price for imported non-conforming vehicles shall be based on the applicable National Automobile Dealer's Association (NADA) price guide and/or other evidence of the actual market value if the vehicle is not included in the NADA price guide. Other forms of evidence may include the declared value of the vehicles for customs (i.e., U.S. Customs Consumption Entry Form (7501) Value Declaration).

6.2 ICI Waiver Information Format

An ICI waiver request must include the original equipment manufacturer vehicle or engine identification information. This information shall include information identifying the original manufacturer, original production year, model, identification number (VIN or Serial No.), and market value. Such information

shall be sufficient to allow EPA to determine that the waiver fee has been paid prior to the ICI request for final admission of the vehicle or engine.

The suggested format for additional information to be submitted with a ICI waiver request is shown below:

For ICI Use Only

<u>Original</u>	<u>Original</u>	<u>VIN/Serial</u>	<u>Market</u>
<u>Manufacturer</u>	<u>Production Year</u>	<u>Number</u>	<u>Value</u>

7. Waiver Adjustments

For an approved fee waiver request, the aggregate retail sales value may increase or decrease after the original waiver fee has been established and paid. If the aggregate retail sales value increases, the applicant should recalculate the waiver fee amount and the additional fee necessary. This recalculation (along with a copy of the revised fee filing form) must be submitted to and approved by EPA as soon as the applicant is aware of an increase in the aggregate retail sales value. The applicant should then, after EPA approval of the waiver adjustment, submit a revised fee filing form along with payment of the additional fee. If the aggregate retail sales value decreases, the applicant may request a refund as described in section 8.

NOTE:

SEND ALL PAYMENTS (including waiver adjustment payments) WITH THE FILING FORM ONLY TO THE ADDRESS SHOWN ON THE FEE FILING FORM (as shown in section 2).

SEND ALL WAIVER REQUESTS AND REFUND REQUESTS TO THE ADDRESS SHOWN FOR WAIVERS AND REFUNDS IN SECTION 9.

8. Fee Refunds

A portion of a fee payment may be refunded when:

1. A manufacturer fails to obtain a signed certificate because it is either voluntarily withdrawn by the manufacturer or does not receive approval.
2. A manufacturer makes a waiver adjustment as described in section 7. The refund request should show the calculation of the waiver fee adjustment.

A refund request (along with a copy of the original fee filing form) must be submitted in writing with an indication of the portion of the total fee to be refunded as listed in 40 CFR 86.90893 of Subpart J.

9. Waiver and Refund Addresses

All requests for waivers and refunds shall be submitted in writing by the applicant to the:

Environmental Protection Agency Motor Vehicle and Engine Compliance Program
Certification Division 2565 Plymouth Road Ann Arbor, MI 48105.

Do not send waiver or refund requests to the address listed on the fee filing form.

Fees form saved as CD9207.pcx

Fee Filing Form Instructions

Corporate Name and Address

List the applicant's corporate name and corporate address which will appear on the Certificate of Conformity.

Certification Request Type

Check the box which specifies the certification request type (LDT/LDV, HDE/HDV, etc.).

EPA Standard Engine Family Name

Enter the appropriate EPA standardized engine family name that will appear on the Certificate of Conformity.

Exhaust Emission Control System Number

Enter the exhaust emission control system number that identifies the unique engine-system combination.

Amount Paid

Enter the appropriate fee amount for the designated certification request type. The full fee, payable **in U.S. dollars, is** to accompany the filing form.

Check Number, EFT/ACH, or EFT/WIRE

Enter the number of the corporate check, money order, bank draft, certified check, or enter the letters "EFT/ACH" or "EFT/WIRE" if sending an electronic funds transfer. Indicate the standard engine family name and exhaust emission control system number on check or EFT. See MVECP Fees Procedure for special instructions on payment by EFT.

Waiver (only, if applicable)

A waiver must be **pre-approved** by EPA. Enter the waiver approval number and projected sales volume. Indicate the aggregate projected retail sales price. Submit the appropriate waiver fee payment.

Authorized Company Representative

Enter the representative's name(typed), signature, title, telephone number, and

date.

Public reporting burden for this information collection request is estimated to average 24 minutes per response.