

percent reduction in particulate emissions to the particulate levels determined in paragraphs (c)(2)(iii)(A) through (c)(2)(iii)(D) of this section for those urban buses operating on diesel-based fuels which achieve particulate reductions beyond federally required diesel fuel with 0.05 weight percent sulfur content. Such additional percent reductions will be determined through certification of such diesel-based fuels as specified in § 85.1407.

(d)(1) Operators of urban buses covered by this subpart which have had particulate traps installed prior to January 1, 1995, or are powered by an alternative fuel that significantly reduces particulate emissions compared to emissions from diesel fuel, may assume that such urban buses are operating at a PM level of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) for purposes of meeting the requirements set forth in paragraphs (b) and (c) of this section as long as such urban buses have engines that are properly calibrated and maintained in accordance with equipment manuals and instructions, and the operator has no reason to believe otherwise.

(2) Any urban buses which have had particulate traps installed prior to January 1, 1995, or are powered by a fuel that significantly reduces particulate emissions compared to emissions from diesel fuel, whose engines have not been properly calibrated and maintained in accordance with equipment manuals and instructions or the operator has reason to believe otherwise, shall be treated as if such equipment was not installed for purposes of determining compliance with paragraphs (b) and (c) of this section.

(3) Operators of urban buses covered by this subpart which have upgrade kits installed prior to January 1, 1995, may assume that such urban buses are operating at the PM level of the upgraded engine configuration for purposes of meeting the requirements set forth in paragraphs (b) and (c) of this section.

(e)(1) The standard and percent emission reductions requirements set forth in paragraphs (b) and (c) of this section refer to exhaust emitted over the operating schedule set forth in paragraph (f)(2) of Appendix I to part 86 of this

chapter and measured and calculated in accordance with the procedures set forth in subpart N of part 86 of this chapter.

(2) Equipment certifiers may also submit emission results from EPA-approved alternative test procedures showing compliance with the 25 percent reduction requirements of paragraphs (b) and (c) of this section. As required in § 85.1414, the equipment certifier shall supply information on the alternative test procedure which supports the certifier's claims that the alternative test procedure is typical of in-use urban bus operation.

(f) Every operator subject to the requirements prescribed in this section shall keep records of all engine rebuilds and replacements performed on urban buses as required in § 85.1404, and maintain evidence that their urban buses are in compliance with the requirements of paragraphs (b) or (c) of this section.

(g) Operators shall affix the label provided with the equipment, required under § 85.1411(a), to the engine being rebuilt with the equipment.

[58 FR 21386, Apr. 21, 1993, as amended at 63 FR 14635, Mar. 26, 1998]

**§ 85.1404 Maintenance of records for urban bus operators; submittal of information; right of entry.**

(a) The operator of any urban bus for which this subpart is applicable shall maintain and retain the following adequately organized and indexed records beginning January 1, 1995. Each operator shall keep such records until the five year anniversary of a rebuild or until the engine is rebuilt again, whichever occurs first.

(1) *General records.* The records required to be maintained under this paragraph shall consist of all purchase records, receipts, and part numbers for parts and components used in the rebuilding of urban bus engines.

(2) *Individual records.* A brief history of each urban bus subject to the rebuild provisions prescribed under this section including the records and documentation required to be maintained under § 85.1403(f) of this subpart.

(3) *Fuel purchase records.* The records required under this paragraph consist of all purchase records of fuels for

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which the operator is claiming additional emission reductions under § 85.1403(c)(2)(iii)(E), purchase records for fuel additives required for use with equipment, and purchase records for fuels, other than diesel fuel, which are used with dual-fueled engines.

(b)(1) Any operator subject to the requirements under this section shall provide any EPA Enforcement Officer, upon presentation of credentials during operating hours, access to the following:

(i) Any facility where records required to be maintained under this section are generated or stored.

(ii) Any facility where engine rebuilding or replacement takes place.

(2) Upon admission to any facility referred to in paragraph (b)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and make copies of records required to be maintained under this section.

(ii) To inspect and photograph any urban bus and engine subject to the standards set forth in § 85.1403 of this subpart.

(iii) To inspect and monitor any activity related to the rebuilding or replacement of an engine in an urban bus for which these regulations are applicable as described in § 85.1401 of this subpart.

### § 85.1405 Applicability.

The provisions of §§ 85.1405 through 85.1414 apply to retrofit/rebuild equipment which is to be installed on or used with 1993 and earlier model year urban buses whose engines are rebuilt or replaced after January 1, 1995. For the purposes of §§ 85.1405 through 85.1414, "equipment" includes alternative fuels and fuel additives to be used with urban bus engines.

### § 85.1406 Certification.

(a) Certification compliance shall be demonstrated as follows:

(1) *Test procedure and emission results.* The emission test to be used is the heavy-duty engine Federal Test Procedure as set forth in the applicable portions of part 86 of this chapter or an approved alternative test procedure prescribed under § 85.1414. Certification emission testing must be carried out

using representative production equipment as provided in paragraph (b) of this section. The test results must demonstrate that the retrofit/rebuild equipment will comply with either the particulate emission requirements of §§ 85.1403(b)(1)(i) or 85.1403(b)(2)(i), or provide some level of particulate emission reduction, and will not cause the urban bus engine to fail to meet any applicable Federal emission requirements set for that engine in the applicable portions of 40 CFR part 86, provided the equipment is properly installed.

(2) *Emission test engine selection.* (i) The test engine used must represent the "worst case" with respect to particulate emissions of all those engine configurations for which the retrofit/rebuild equipment is being certified. The worst case engine configuration shall be the engine configuration having the highest engine-out particulate matter emission levels, when properly maintained and used, prior to installation of the retrofit/rebuild equipment. EPA reserves the right to request data or information showing that the particulate emission reduction efficiency of the retrofit/rebuild equipment being certified under this paragraph, for use with more than one engine family, does not vary significantly among the engine families.

(ii) The results of certification tests using the worst case engine selections made in this section shall be applicable for the other engine configurations for which the retrofit/rebuild equipment is designed.

(iii) The worst case test engine selected for certification emission testing is not required to meet Federal emission standards before the retrofit/rebuild equipment is installed. However, each test engine shall have representative emissions performance that is close to the standards and have no obvious or suspected emission defects. Each test engine shall be tuned properly and set to the engine manufacturer's specifications before testing is performed. Any excessively worn or malfunctioning emission related part shall be repaired or replaced with a new part prior to testing.

(iv) To demonstrate compliance with the particulate emission requirements