

Environmental Protection Agency

§ 91.122

applicable standard in accordance with ASTM E 29-93a, for each emission data engine. This procedure has been incorporated by reference. See §91.6.

§ 91.121 Certification procedure—recordkeeping.

(a) The engine manufacturer must maintain the following adequately organized records:

(1) Copies of all applications and summary information, as applicable, filed with the Administrator;

(2) A copy of all data obtained through the production line and in-use testing programs; and

(3) A detailed history of each test engine used for certification including the following:

(i) A description of the test engine's construction, including a general description of the origin and buildup of the engine, steps taken to insure that it is representative of production engines, description of components specially built for the test engine, and the origin and description of all emission-related components;

(ii) A description of the method used for engine service accumulation, including date(s) and the number of hours accumulated;

(iii) A description of all maintenance, including modifications, parts changes, and other servicing performed, and the date(s), and reason(s) for such maintenance;

(iv) A description of all emission tests performed, including routine and standard test documentation, as specified in subpart E of this part, date(s), and the purpose of each test;

(v) A description of all tests performed to diagnose engine or emission control performance, giving the date and time of each and the reason(s) for the test; and

(vi) A description of any significant event(s) affecting the engine during the period covered by the history of the test engine but not described by an entry under one of the previous paragraphs of this section.

(b) Routine emission test data, such as test cell temperature and relative humidity at start and finish of test and raw emission results from each mode or test phase, must be retained for a period of one year after issuance of all

certificates of conformity to which they relate. All other information specified in paragraph (a) of this section must be retained for a period of eight years after issuance of all certificates of conformity to which they relate.

(c) Records may be kept in any format and on any media, provided that, at the Administrator's request, organized, written records in English are promptly supplied by the manufacturer.

(d) The manufacturer must supply, at the Administrator's request, copies of any engine maintenance instructions or explanations issued by the manufacturer.

§ 91.122 Amending the application and certificate of conformity.

(a) The marine engine manufacturer must notify the Administrator

(1) When either an engine is to be added to a certificate of conformity or changes are to be made to a product line covered by a certificate of conformity which may potentially affect emissions, emissions durability, an emission related part, or the durability of an emission related part. Notification occurs when the manufacturer submits and EPA receives a request to amend the original application prior to either producing such engines or making such changes to a product line. For existing technology OB/PWC engines only, notification may occur periodically but must occur at least on a quarterly basis and may be submitted summarily as determined by the Administrator.

(2) When an FEL is changed for an engine family, as allowed under §91.203. Notification occurs when the manufacturer submits and EPA receives a request to amend the original application. The manufacturer may not change an FEL unless compliance under §91.207(b) is maintained through the use of the revised FEL.

(b) The request to amend the engine manufacturer's existing certificate of conformity must include the following information:

(1) A full description of the engine to be added or the change(s) to be made in production;

(2) The manufacturer's proposed test engine selection(s); and

§91.123

40 CFR Ch. I (7-1-03 Edition)

(3) Engineering evaluations or reasons why the original test engine or FEL is or is not still appropriate.

(c) The Administrator may require the engine manufacturer to perform tests on an engine representing the engine to be added or changed.

(d) Decision by Administrator.

(1) Based on the submitted request and data derived from such testing as the Administrator may require or conduct, the Administrator must determine whether the proposed addition or change would still be covered by the certificate of conformity then in effect.

(2) If the Administrator determines that the new or changed engine(s) meets the requirements of this subpart and the Act, the appropriate certificate of conformity will be amended.

(3) If the Administrator determines that the new or changed engines would not be covered by the certificate of conformity, the Administrator must provide a written explanation to the engine manufacturer of his or her decision not to amend the certificate. The manufacturer may request a hearing on a denial. See §91.125.

(4) If the Administrator determines that the revised FEL meets the requirements of this subpart and the Act, the appropriate certificate of conformity will be amended to reflect the revised FEL. The certificate of conformity is revised conditional upon compliance under §91.207(b).

(e)(1) Alternatively, an engine manufacturer may make changes in or additions to production engines concurrently with requesting to amend the application or certification of conformity as set forth in paragraph (b) of this section, if the manufacturer determines that all affected engines will still meet applicable Family Emission Limits (FELs). The engine manufacturer must supply supporting documentation, test data, and engineering evaluations as appropriate to support its determination.

(2) If, after a review, the Administrator determines additional testing is required, the engine manufacturer must provide required test data within 30 days or cease production of the affected engines.

(3) If the Administrator determines that the affected engines do not meet

applicable requirements, the Administrator will notify the engine manufacturer to cease production of the affected engines.

§91.123 Denial, revocation of certificate of conformity.

(a) If, after review of the engine manufacturer's application, request for certification, information obtained from any inspection, and any other information the Administrator may require, the Administrator determines that the test engine or engine family does not meet applicable requirements or the Family Emission Limit (FEL), the Administrator will notify the manufacturer in writing, setting forth the basis for this determination.

(b) Notwithstanding the fact that engines described in the application may comply with all other requirements of this subpart, the Administrator may deny the issuance of or revoke a previously issued certificate of conformity if the Administrator finds any one of the following infractions to be substantial:

(1) The engine manufacturer submits false or incomplete information;

(2) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative the opportunity to conduct authorized inspections;

(3) The engine manufacturer fails to supply requested information or amend its application to include all engines being produced;

(4) The engine manufacturer renders inaccurate any test data which it submits or otherwise circumvents the intent of the Act or this part;

(5) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative reasonable assistance (as defined in §91.505); or

(6) The engine manufacturer fails to initiate, perform or submit required data generated from the production line and in-use testing programs to EPA.

(c) If any manufacturer knowingly commits an infraction specified in paragraph (b)(1), (b)(4), or (b)(6) of this section or knowingly commits any other fraudulent act which results in the issuance of a certificate of conformity, or fails to comply with the