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(d) Some of your engines may need more information on the emission control information label. If you produce an engine or vehicle that we exempt from the requirements of this part, see subpart G of this part and 40 CFR part 1068, subparts C and D, for more label information.

(e) Some engines may not have enough space for an emission control information label with all the required information. In this case, you may omit the information required in paragraphs (c)(3), (c)(4), and (c)(5) of this section if you print it in the owner's manual instead.

(f) If you are unable to meet these labeling requirements, you may ask us to modify them consistent with the intent of this section.

(g) Label every vehicle certified under this part with a removable hang-tag showing its emission characteristics relative to other models. The label should be attached securely to the vehicle before it is offered for sale in such a manner that it would not be accidentally removed prior to sale. Use the applicable equations of this paragraph (g) to determine the normalized emission rate (NER) from the FEL for your vehicle. If the vehicle is certified without using the averaging provisions of subpart H, use the final deteriorated emission level. Round the resulting normalized emission rate for your vehicle to the nearest whole number. We may specify a standardized format for labels. At a minimum, the tag should include: The manufacturer's name, vehicle model name, engine description (500 cc two-stroke with DFI), the NER, and a brief explanation of the scale (for example, note that 0 is the cleanest and 10 is the least clean).

(1) For snowmobiles, use the following equation:

$$NER = 16.61 \times \log(2.667 \times HC + CO) - 38.22$$

Where:

HC and CO are the cycle-weighted FELs (or emission rates) for hydrocarbons and carbon monoxide in g/kW-hr.

(2)(i) For off-highway motorcycles with HC+NO_x emissions less than or equal to 2.0 g/km, use the following equation:

$$(NER = 2.500 \times (HC + NO_x))$$

Where:

HC +NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) For off-highway motorcycles with HC+NO_x emissions greater than 2.0 g/km, use the following equation:

$$NER = 5.000 \times \log(HC + NO_x) + 3.495$$

Where:

HC +NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(3)(i) For ATVs with HC+NO_x emissions less than or equal to 1.5 g/km, use the following equation:

$$NER = 3.333 \times (HC + NO_x)$$

Where:

HC +NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) For ATVs with HC+NO_x emissions greater than 1.5 g/km, use the following equation:

$$NER = 4.444 \times \log(HC + NO_x) + 4.217$$

Where:

HC +NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

§ 1051.145 What provisions apply only for a limited time?

Apply the following provisions instead of others in this part for the periods and circumstances specified in this section.

(a) Provisions for small-volume manufacturers. Special provisions apply to you if you are a small-volume manufacturer subject to the requirements of this part. Contact us before 2006 if you intend to use these provisions.

(1) You may delay complying with otherwise applicable emission standards (and other requirements) for two model years.

(2) If you are a small-volume manufacturer of snowmobiles, only 50 percent of the models you produce (instead of all of the models you produce) must meet emission standards in the first two years they apply to you as a small-volume manufacturer, as described in paragraph (a)(1) of this section. For example, this alternate phase-in allowance would allow small-volume snowmobile manufacturers to

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comply with the Phase 1 exhaust standards by certifying 50 percent of their snowmobiles in 2008, 50 percent of their snowmobiles in 2009, and 100 percent in 2010.

(3) Your vehicles for model years before 2011 may be exempt from the exhaust standards of this part if you meet the following criteria:

(i) Produce your vehicles by installing engines covered by a valid certificate of conformity under 40 CFR part 90 that shows the engines meet standards for Class II engines for each engine's model year.

(ii) Do not change the engine in a way that we could reasonably expect to increase its exhaust emissions.

(iii) The engine meets all applicable requirements from 40 CFR part 90. This applies to engine manufacturers, vehicle manufacturers who use these engines, and all other persons as if these engines were not used in recreational vehicles.

(iv) Demonstrate that fewer than 50 percent of the engine model's total sales, from all companies, are used in recreational vehicles regulated under this part.

(4) All vehicles certified or exempted under this paragraph (a) must be labeled according to our specifications. The label must include the following:

(i) The heading "EMISSION CONTROL INFORMATION".

(ii) Your full corporate name and trademark.

(iii) A description of the provisions under which the vehicle is either exempted or certified.

(iv) Other information that we specify to you in writing.

(b) *Optional emission standards for ATVs.* To meet ATV standards for model years before 2009, you may apply the exhaust emission standards by model year in paragraph (b)(1) of this section while measuring emissions using the engine-based test procedures in 40 CFR part 1065 instead of the chassis-based test procedures in 40 CFR part 86.

(1) Follow Table 1 of this section for exhaust emission standards, while meeting all the other requirements of §1051.107. You may use emission credits to show compliance with these standards (see subpart H of this part). You may not exchange emission credits with engine families meeting the standards in §1051.107(a). You may also not exchange credits between engine families certified to the standards for engines above 225 cc and engine families certified to the standards for engines below 225 cc. The phase-in percentages in the table specify the percentage of your U.S.-directed production that must comply with the emission standards for those model years. Table 1 follows:

TABLE 1 OF § 1051.145—OPTIONAL EXHAUST EMISSION STANDARDS FOR ATVs (G/kW–HR)

Engine displacement	Model year	Phase-in (percent)	Emission standards		Maximum allowable family emission limits
			HC+NO _x	CO	HC+NO _x
<225 cc	2006	50	16.1	400	32.2
	2007 and 2008	100	16.1	400	32.2
≥225 cc	2006	50	13.4	400	26.8
	2007 and 2008	100	13.4	400	26.8

(2) Measure emissions by testing the engine on a dynamometer with the steady-state duty cycle described in Table 2 of this section.

(i) During idle mode, hold the speed within your specifications, keep the throttle fully closed, and keep engine

torque under 5 percent of the peak torque value at maximum test speed.

(ii) For the full-load operating mode, operate the engine at its maximum fueling rate.

(iii) See part 1065 of this chapter for detailed specifications of tolerances and calculations.

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(iv) Table 2 follows:

TABLE 2 OF § 1051.145—6-MODE DUTY CYCLE FOR RECREATIONAL ENGINES

Mode No.	Engine speed (percent of maximum test speed)	Torque (percent of maximum test torque at test speed)	Minimum time in mode (minutes)	Weighting factors
1	85	100	5.0	0.09
2	85	75	5.0	0.20
3	85	50	5.0	0.29
4	85	25	5.0	0.30
5	85	10	5.0	0.07
6	Idle	0	5.0	0.05

(3) For ATVs certified to the standards in this paragraph (b) use the following equation to determine the normalized emission rate required by § 1051.135(g):

$$NER = 9.898 \times \log(HC + NO_x - 4.898)$$

Where:

HC +NO_x is the sum of the cycle-weighted emission rates for hydrocarbons and oxides of nitrogen in g/kW-hr.

(c) *Production-line testing.* Vehicles certified to the Phase 1 or Phase 2 standards in § 1051.103, or the Phase 1 standards in §§ 1051.105 or 1051.107 are exempt from the production-line testing requirements of subpart D of this part if they are certified without participating in the emission averaging, banking and trading program described in Subpart H of this part.

(d) *Phase-in flexibility.* For model years before 2014, if you make a good faith effort to comply, but fail to meet the sales requirements of this part during a phase-in period for new standards, or fail to meet the average emission standards, we may approve an alternative remedy to offset the emission reduction deficit using future emission credits under this part. To apply for this, you must:

(1) Submit a plan during the certification process for the first model year of the phase-in showing how you project to meet the sales requirement of the phase-in.

(2) Notify us less than 30 days after you determine that you are likely to fail to comply with the sales requirement of the phase-in.

(3) Propose a remedy that will achieve equivalent or greater emission reductions compared to the specified phase-in requirements, and that will offset the deficit within one model year.

(e) *Snowmobile testing.* You may use the raw sampling procedures described in 40 CFR part 91, subparts D and E, for emission testing of snowmobiles for model years prior to 2010. For later model years, you may use these procedures if you show that they produce emission measurements equivalent to the otherwise specified test procedures.

(f) *Early credits.* Snowmobile manufacturers may generate early emission credits in one of the following ways, by certifying some or all of their snowmobiles prior to 2006. Credit generating snowmobiles must meet all other applicable requirements of this part. No early credits may be generated by off-highway motorcycles or ATVs.

(1) You may certify one or more snowmobile engine families to FELs (HC and CO) below the numerical level of the Phase 2 standards prior to the date when compliance with the Phase 1 standard is otherwise required. Credits are calculated relative to the Phase 2 standards. Credits generated under this paragraph (f)(1) may be used at any time before 2012.

(2) You may certify a snowmobile engine family to FELs (HC and CO) below the numerical level of the Phase 1 standards prior to the date when compliance with the Phase 1 standard is

otherwise required. Credits are calculated relative to the Phase 1 standards. Credits generated under this paragraph (f)(2) may only be used for compliance with the Phase 1 standards. You may generate credits under this paragraph (f)(2) without regard to whether the FELs are above or below the numerical level of the Phase 2 standards.

(g) *Pull-ahead option for permeation emissions.* Manufacturers choosing to comply with an early tank permeation standard of 3.0 g/m²/day prior to model year 2008 may be allowed to delay compliance with the 1.5 g/m²/day standard, for an equivalent number of tanks, subject to the following provisions:

(1) Pull-ahead tanks meeting the 3.0 g/m²/day standard must be certified and must meet all applicable requirements other than those limited to compliance with the exhaust standards.

(2) Tanks for which compliance with the 1.5 g/m²/day standard is delayed must meet the 3.0 g/m²/day standard.

(3) You may delay compliance with the 1.5 g/m²/day standard for one tank for one year for each tank-year of credit generated early.

(4) You may not use credits for a tank that is larger than the tank from which you generated the credits.

Subpart C—Certifying Engine Families

§ 1051.201 What are the general requirements for submitting a certification application?

(a) Send us an application for a certificate of conformity for each engine family. Each application is valid for only one model year.

(b) The application must not include false or incomplete statements or information (see § 1051.255).

(c) We may choose to ask you to send us less information than we specify in this subpart, but this would not change your recordkeeping requirements.

(d) Use good engineering judgment for all decisions related to your application (see § 1068.5 of this chapter).

(e) An authorized representative of your company must approve and sign the application.

§ 1051.205 What must I include in my application?

In your application, do all the following things unless we ask you to send us less information:

(a) Describe the engine family's specifications and other basic parameters of the vehicle design. List the types of fuel you intend to use to certify the engine family (for example, gasoline, liquefied petroleum gas, methanol, or natural gas). List vehicle configurations and model names that are included in the engine family.

(b) Explain how the emission-control systems operate.

(1) Describe in detail all the system components for controlling exhaust emissions, including auxiliary emission-control devices and all fuel-system components you will install on any production or test vehicle or engine. Explain why any auxiliary emission-control devices are not defeat devices (see § 1051.115(f)). Do not include detailed calibrations for components unless we ask for them.

(2) Describe the evaporative emission controls.

(c) Describe the vehicles or engines you selected for testing and the reasons for selecting them.

(d) Describe any special or alternate test procedures you used (see § 1051.501).

(e) Describe how you operated the engine or vehicle prior to testing, including the duty cycle and the number of engine operating hours used to stabilize emission levels, and any scheduled maintenance you performed.

(f) List the specifications of the test fuels to show that they fall within the required ranges.

(g) Identify the engine family's useful life.

(h) Propose maintenance and use instructions for the ultimate buyer of each new vehicle (see § 1051.125).

(i) Propose emission-related installation instructions if you sell engines for someone else to install in a vehicle (see § 1051.130).

(j) Propose an emission control information label.

(k) Present emission data to show that you meet emission standards.

(l) Present exhaust emission data for HC, NO_x (as applicable), and CO on a