

TABLE 2 OF § 1051.245—DESIGN-CERTIFICATION TECHNOLOGIES FOR CONTROLLING FUEL-LINE PERMEATION

If the fuel-line permeability control technology is . . .	Then you may design-certify with a fuel line permeation emission level of . . .
(i) Hose meeting Category 1 permeation specifications in SAE J2260 (incorporated by reference in § 1051.810).	15 g/m <sup>2</sup> /day.
(ii) Hose meeting the R11-A or R12 permeation specifications in SAE J30 (incorporated by reference in § 1051.810).	15 g/m <sup>2</sup> /day.

(3) We may establish additional design certification options where we find that new test data demonstrate that the use of other technology designs will ensure compliance with the applicable emission standards.

[67 FR 68347, Nov. 8, 2002, as amended at 69 FR 2442, Jan. 15, 2004; 70 FR 40497, July 13, 2005]

**§ 1051.250 What records must I keep and make available to EPA?**

(a) Organize and maintain the following records:

- (1) A copy of all applications and any summary information you send us.
- (2) Any of the information we specify in § 1051.205 that you were not required to include in your application.
- (3) A detailed history of each emission-data vehicle. For each vehicle, describe all of the following:
  - (i) The emission-data vehicle's construction, including its origin and buildup, steps you took to ensure that it represents production vehicles, any components you built specially for it, and all the components you include in your application for certification.
  - (ii) How you accumulated vehicle or engine operating hours, including the dates and the number of hours accumulated.
  - (iii) All maintenance, including modifications, parts changes, and other service, and the dates and reasons for the maintenance.
  - (iv) All your emission tests, including documentation on routine and standard tests, as specified in 40 CFR part 1065, and the date and purpose of each test.
  - (v) All tests to diagnose engine or emission-control performance, giving

the date and time of each and the reasons for the test.

- (vi) Any other significant events.
- (4) Production figures for each engine family divided by assembly plant.
- (5) Keep a list of engine identification numbers for all the engines you produce under each certificate of conformity.
  - (b) Keep data from routine emission tests (such as test cell temperatures and relative humidity readings) for one year after we issue the associated certificate of conformity. Keep all other information specified in paragraph (a) of this section for eight years after we issue your certificate.
  - (c) Store these records in any format and on any media, as long as you can promptly send us organized, written records in English if we ask for them. You must keep these records readily available. We may review them at any time.
  - (d) Send us copies of any maintenance instructions or explanations if we ask for them.

[70 FR 40497, July 13, 2005]

**§ 1051.255 What decisions may EPA make regarding my certificate of conformity?**

- (a) If we determine your application is complete and shows that the engine family meets all the requirements of this part and the Act, we will issue a certificate of conformity for your engine family for that model year. We may make the approval subject to additional conditions.
  - (b) We may deny your application for certification if we determine that your engine family fails to comply with emission standards or other requirements of this part or the Act. Our decision may be based on a review of all information available to us. If we deny your application, we will explain why in writing.
    - (c) In addition, we may deny your application or suspend or revoke your certificate if you do any of the following:
      - (1) Refuse to comply with any testing or reporting requirements.
      - (2) Submit false or incomplete information (paragraph (e) of this section applies if this is fraudulent).
      - (3) Render inaccurate any test data.

(4) Deny us from completing authorized activities despite our presenting a warrant or court order (see 40 CFR 1068.20). This includes a failure to provide reasonable assistance.

(5) Produce engines for importation into the United States at a location where local law prohibits us from carrying out authorized activities.

(6) Fail to supply requested information or amend your application to include all engines being produced.

(7) Take any action that otherwise circumvents the intent of the Act or this part.

(d) We may void your certificate if you do not keep the records we require or do not give us information as required under this part or the Act.

(e) We may void your certificate if we find that you intentionally submitted false or incomplete information.

(f) If we deny your application or suspend, revoke, or void your certificate, you may ask for a hearing (see §1051.820).

### Subpart D—Testing Production-Line Vehicles and Engines

#### § 1051.301 When must I test my production-line vehicles or engines?

(a) If you produce vehicles that are subject to the requirements of this part, you must test them as described in this subpart. If your vehicle is certified to g/kW-hr standards, then test the engine; otherwise, test the vehicle. The provisions of this subpart do not apply to small-volume manufacturers.

(b) We may suspend or revoke your certificate of conformity for certain engine families if your production-line vehicles or engines do not meet the requirements of this part or you do not fulfill your obligations under this subpart (see §§ 1051.325 and 1051.340).

(c) Other requirements apply to vehicles and engines that you produce. Other regulatory provisions authorize us to suspend, revoke, or void your certificate of conformity, or order recalls for engine families without regard to whether they have passed these production-line testing requirements. The requirements of this subpart do not affect our ability to do selective enforcement audits, as described in part 1068 of this chapter. Individual vehicles and

engines in families that pass these production-line testing requirements must also conform to all applicable regulations of this part and part 1068 of this chapter.

(d) You may ask to use an alternate program for testing production-line vehicles or engines. In your request, you must show us that the alternate program gives equal assurance that your products meet the requirements of this part. If we approve your alternate program, we may waive some or all of this subpart's requirements.

(e) If you certify an engine family with carryover emission data, as described in §1051.235(c), and these equivalent engine families consistently pass the production-line testing requirements over the preceding two-year period, you may ask for a reduced testing rate for further production-line testing for that family. The minimum testing rate is one vehicle or engine per engine family. If we reduce your testing rate, we may limit our approval to any number of model years. In determining whether to approve your request, we may consider the number of vehicles or engines that have failed the emission tests.

(f) We may ask you to make a reasonable number of production-line vehicles or engines available for a reasonable time so we can test or inspect them for compliance with the requirements of this part.

(g) The requirements of this subpart do not apply to engine families certified under the provisions of §1051.630.

(h) Vehicles certified to the following standards are exempt from the production-line testing requirements of this subpart if no engine families in the averaging set participate in the averaging, banking, and trading program described in subpart H of this part:

- (1) Phase I or Phase 2 standards in §1051.103
- (2) Phase I standards in §1051.105
- (3) Phase I standards in §1051.107.
- (4) The standards in §1051.615.
- (5) The standards in §1051.145.

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