

(d) *Credit use.* (1) All credits generated in accordance with these provisions may be freely traded or banked for later use, subject to the provisions contained in this subpart, without discount or depreciation of such credits.

(2) A covered fleet owner or operator desiring to demonstrate full or partial compliance with covered fleet purchase requirements by the redemption of credits shall surrender sufficient credits as established in this paragraph. In lieu of purchasing a CFFV, a fleet owner or operator shall surrender credits equal to the credit value for the corresponding vehicle class and credit calculation method used in that area from either Table C94-1.3, C94-2.3, C94-3.3, C94-4.3, or C94-5.3 of this subpart.

(3) Credits earned within the boundaries of a covered nonattainment area may be traded within those boundaries whether or not that area encompasses parts of more than one state.

(4) Credits issued as a result of CFFV purchase requirements in one nonattainment area may not be used to demonstrate compliance in another nonattainment area, even if a state contains more than one covered nonattainment area.

(5) Credit allocation. (i) Credits generated by the purchase of LDVs and LDTs of 8,500 pounds (3,900 kilograms) GVWR or less may be used to demonstrate compliance with covered fleet purchase requirements applicable to LDVs or LDTs of 8,500 pounds (3,900 kilograms) GVWR or less.

(ii) Credits generated by the purchase of vehicles of more than 8,500 pounds (3,900 kilograms) GVWR may not be used to demonstrate compliance with the covered fleet purchase requirements for vehicles weighing 8,500 pounds (3,900 kilograms) GVWR or less.

(iii) Credits generated by the purchase of vehicles of 8,500 pounds (3,900 kilograms) GVWR or less may not be used to demonstrate compliance with requirements for vehicles of more than 8,500 pounds (3,900 kilograms) GVWR.

(iv) Credits generated by the purchase of a HDV of a particular weight subclass may be used to demonstrate compliance with required heavy-duty vehicle purchases for the same or lighter weight subclasses. These credits may not be used to demonstrate com-

pliance with required HDV purchases for vehicles of heavier weight subclasses than the weight subclass of the vehicle which generated the credits.

**§ 88.305-94 Clean-fuel fleet vehicle labeling requirements for heavy-duty vehicles.**

(a) All clean-fuel heavy-duty engines and vehicles used as LEVs, ULEVs, and ZEVs that are also regulated under 40 CFR part 86 shall comply with the labeling requirements of 40 CFR 86.095-35 (or later applicable sections), and shall also include an unconditional statement on the label indicating that the engine or vehicle is a LEV, ULEV, or ZEV, and meets all of the applicable requirements of this part 88.

(b) All heavy-duty clean-fuel fleet vehicles not regulated under 40 CFR part 86 shall have a permanent legible label affixed to the engine or vehicle in a readily visible location, which contains the following information:

(1) The label heading: vehicle emissions classification information (e.g., “This is a Low Emission Vehicle”);

(2) Full corporate name and trademark of the manufacturer;

(3) A statement that this engine or vehicle meets all applicable requirements of the U.S. Environmental Protection Agency clean-fuel fleet vehicle program, as described in this part 88, but not necessarily those requirements found in 40 CFR part 86.

[59 FR 50080, Sept. 30, 1994]

**§ 88.306-94 Requirements for a converted vehicle to qualify as a clean-fuel fleet vehicle.**

(a) For purposes of meeting the requirements of section 246 of the Clean Air Act or the SIP revisions, conversions of engines or vehicles which satisfy the requirements of this section shall be treated as a purchase of a clean-fuel vehicle under subpart C of this part.

(b) The engine or vehicle must be converted using a conversion configuration which has been certified according to the provisions of 40 CFR part 86 using applicable emission standards and other provisions from part 88 for clean-fuel engines and vehicles. The following requirements will also apply:

(1) If the installation of the certified conversion configuration is performed by an entity other than aftermarket conversion certifier, the aftermarket conversion certifier shall submit a list of such installers to the Administrator. Additional installers must be added to this list and the revised list submitted to the Administrator within 5 working days from the time they are authorized to perform conversion installations by the clean-fuel vehicle aftermarket conversion certifier.

(2) If the installation of the certified conversion configuration is performed by an entity other than the certificate holder, the certificate holder shall provide instructions for installation of the aftermarket conversion system to installers listed on the certificate, and ensure that the systems are properly installed.

(3) For the purpose of determining whether certification under the Small-Volume Manufacturers Certification Program pursuant to the requirements of 40 CFR 86.094-14 is permitted, the 10,000 sales volume limit in 40 CFR 86.094-14(b)(1) is waived for a certifier of a clean-fuel vehicle aftermarket conversion.

(4) Clean-fuel vehicle aftermarket conversion certifiers that are subject to the post-installation emissions testing requirements in paragraph (c) of this section and who will satisfy these requirements by using the two speed idle test procedure detailed in paragraph (c)(2)(ii) of this section must conduct the following testing at the time of certification in order to generate the required certification CO emissions reference values. The certification CO emissions reference values generated must be submitted to the Administrator at the time of application for certification.

(i) For dual and flexible fuel vehicles, certification reference values must be generated for each certification test fuel required for exhaust emissions testing pursuant to 40 CFR 86.113 or 40 CFR 86.1313.

(ii) For light-duty vehicles and light-duty trucks the test fuels used during the emissions testing required by paragraph (b)(3) of this section must comply with the fuel specifications for exhaust emissions testing found in 40

CFR 86.113. For heavy-duty engines the test fuels used during the emissions testing required by paragraph (b)(3) of this section must comply with the fuel specifications for exhaust emissions testing found in 40 CFR 86.1313.

(iii) Single, consecutive idle mode and high-speed mode segments of the two speed idle test must be conducted pursuant to the requirements of 40 CFR 85.2215 and as modified by the provisions of paragraph (c)(4)(ii)(D) of this section and this paragraph to determine the required certification CO emission reference values.

(A) The certification CO emission reference value for the idle mode of the test will be the simple average of all emissions measurements taken during an idle mode of 90 seconds duration pursuant to the requirements in 40 CFR 85.2215(a).

(B) The certification CO emission reference value for the high-speed mode of the test will be the simple average of all emissions measurements taken during a high-speed mode of 180 seconds duration pursuant to the requirements in 40 CFR 85.2215(a).

(c) Except as provided in paragraph (c)(1) of this section, each converted vehicle manufactured by a clean-fuel vehicle aftermarket conversion certifier with aggregate sales of less than 10,000 converted vehicles within a given calendar year must satisfy the post-installation emissions testing requirements of paragraph (c)(2) of this section. If a vehicle fails to satisfy the emissions testing requirements such vehicle may not be considered a clean-fuel vehicle until such noncompliance is rectified and compliance is demonstrated.

(1) A clean-fuel vehicle aftermarket conversion certifier with estimated sales of 300 or fewer engines and vehicles in a calendar year and which sells or converts vehicles outside of a non-attainment area (as classified under subpart D of Title I) which has an inspection and maintenance program that includes a test of carbon monoxide emissions may submit a request to the Administrator for an exemption from the post-installation emission test requirements of paragraph (c) of this section. If granted, such an exemption would apply to converted vehicles that

have the conversion installation performed outside of a nonattainment area which has an inspection and maintenance program that includes a test of carbon monoxide emissions.

(i) The request for exemption submitted to the Administrator must include the following:

(A) The estimated number of engines and vehicles that will be converted in the calendar year.

(B) Sufficient information to demonstrate that complying with the post-installation emission test requirement represents a severe financial hardship.

(C) A description of any emission related quality control procedures used.

(ii) Within 120 days of receipt of the application for exemption, the Administrator will notify the applicant either that an exemption is granted or that sufficient cause for an exemption has not been demonstrated and that all of the clean-fuel vehicle aftermarket conversion certifier's vehicles are subject to the post-installation test requirement of paragraph (c)(2) of this section.

(iii) If the clean-fuel vehicle aftermarket conversion certifier granted an exemption originally estimates that 300 or fewer conversions would be performed in the calendar year, and then later revises the estimate to more than 300 for the year, the certifier shall inform the Administrator of such revision. A post-installation emissions test for each conversion performed after the estimate is revised is required pursuant to the requirements of paragraph (c)(2) of this section. The estimated number of conversions from such a clean-fuel vehicle aftermarket conversion certifier must be greater than 300 in the following calendar year.

(2) A clean-fuel vehicle aftermarket conversion certifier with aggregate sales less than 10,000 converted vehicles within a given calendar year shall conduct post-installation emissions testing using either of the following test methods:

(i) The carbon monoxide (CO) emissions of the converted vehicle must be determined in the manner in which CO emissions are determined according to the inspection and maintenance requirements applicable in the area in which the vehicle is converted or is expected to be operated.

(A) For dual-fuel vehicles, a separate test is required for each fuel on which the vehicle is capable of operating. For flexible fuel vehicles, a single test is required on a fuel that falls within the range of fuel mixtures for which the vehicle was designed. The test fuel(s) used must be commercially available.

(B) A converted vehicle shall be considered to meet the requirements of this paragraph if the vehicle's measured exhaust CO concentration(s) is lower than the cutpoint(s) used to determine CO pass/fail under the inspection and maintenance program in the area in which the conversion is expected to be operated.

(1) If CO pass/fail criteria are not available for a vehicle fuel type then pass/fail criteria specific to gasoline use are to be used for vehicles of that fuel type.

(2) [Reserved]

(ii) The carbon monoxide (CO) emissions of the converted vehicle must be determined in the manner specified in the two speed idle test-EPA 91 found in 40 CFR 85.2215. All provisions in the two speed idle test must be observed except as detailed in paragraph (c)(2)(ii)(D) of this section.

(A) For dual and flexible fuel vehicles, a separate test is required for each certification test fuel required for exhaust emissions testing pursuant to 40 CFR 86.113 or 40 CFR 86.1313.

(B) For light-duty vehicles and light-duty trucks the test fuels used during the emissions testing required by paragraph (c)(4) of this section must comply with the fuel specifications for exhaust emissions testing found in 40 CFR 86.113. For heavy-duty engines the test fuels used during the emissions testing required by paragraph (c)(2) of this section must comply with the fuel specifications for exhaust emissions testing found in 40 CFR 86.1313.

(C) A converted vehicle shall be considered to meet the requirements of this paragraph if the following criteria are satisfied:

(1) The vehicle's measured idle mode exhaust CO concentration(s) must be lower than the sum of 0.4 percent CO plus the idle mode certification CO emissions reference value as determined according to the requirements of paragraph (b)(3) of this section.

(2) The vehicle's measured high-speed mode exhaust CO concentration(s) must be lower than the sum of 0.4 percent CO plus the high-speed certification CO emissions reference value as determined according to the requirements of paragraph (b)(3) of this section.

(D) For the purposes of the post-installation emissions testing required by paragraph (c) of this section, the following adjustments to the two speed idle test-EPA 91 in 40 CFR 85.2215 are necessary.

(1) Testing of hydrocarbon emissions and equipment associated solely with hydrocarbon emissions testing is not required.

(2) The CO emissions pass/fail criteria in 40 CFR 85.2215(a)(2), (c)(1)(ii)(A), (c)(2)(ii)(A)(I), (c)(2)(iii)(A)(I), and (d)(3)(i) are to be replaced with the pass/fail criteria detailed in paragraph (c)(2)(ii)(C) of this section. All HC pass/fail criteria in 40 CFR 85.2215 do not apply.

(3) The void test criteria in 40 CFR 85.2215(a)(3) and (b)(2)(iv) associated with maintaining the measured concentration of CO plus CO<sub>2</sub> above six percent does not apply. However, the Administrator may reconsider requiring that the void test criteria in 40 CFR 85.2215(a)(3) and (b)(2)(iv) be applied, and may issue an advisory memorandum to this effect in the future.

(4) The ambient temperature levels encountered by the vehicle during testing must comply with the specifications in 40 CFR 86.130 or 40 CFR 86.1330.

(d) The clean-fuel vehicle aftermarket conversion certifier shall be considered a manufacturer for purposes of Clean Air Act sections 206 and 207 and related enforcement provisions, and must accept liability for in-use performance of all the vehicles produced under the certificate of conformity as outlined in 40 CFR part 85.

(1) The useful life period for the purposes of determining the in-use liability of the clean-fuel vehicle aftermarket conversion certifier shall be the original useful life of the vehicle prior to conversion.

(2) [Reserved]

(e) *Tampering.* (1) The conversion from an engine or vehicle capable of

operating on gasoline or diesel fuel only to a clean-fuel engine or vehicle shall not be considered a violation of the tampering provisions of Clean Air Act section 203(a)(3), if such conversion is done pursuant to a conversion configuration certificate by the aftermarket conversion certifier or by an installer listed on the certificate.

(2) In order to comply with the provisions of this subpart, an aftermarket conversion installer must:

(i) Install a certified aftermarket conversion system for which the installer is listed by the certifier; and

(ii) Perform such installation according to instructions provided by the aftermarket conversion certifier.

(f) *Data collection.* The clean-fuel vehicle aftermarket conversion certifier is responsible for maintaining records of each engine and vehicle converted for use in the Clean Fuel Fleets program for a period of 5 years. The records are to include the engine or vehicle make, engine or vehicle model, engine or vehicle model year, and engine or vehicle identification number of converted engines and vehicles; the certification number of the conversion configuration; the brand names and part numbers of the parts included in the conversion configuration; the date of the conversion and the facility at which the conversion was performed; and the results of post-installation emissions testing if required pursuant to paragraph (c) of this section.

[59 FR 50080, Sept. 30, 1994, as amended at 61 FR 129, Jan. 3, 1996]

**§ 88.307-94 Exemption from temporal transportation control measures for CFFVs.**

(a) States with covered areas shall exempt any CFFV required by law to participate in the clean-fuel fleet program or any vehicle generating credits under § 88.304-94(c) from transportation control measures (TCMs) existing wholly or partially for air quality reasons included in an approved state implementation plan which restrict vehicle usage based primarily on temporal considerations, such as time-of-day and day-of-week exemptions. However, CFFVs shall not qualify for TCMs where the temporal element is secondary to some other control element