

**Environmental Protection Agency**

**§ 86.007-15**

produce 4,500 such engines of an actual 10,000 2007 engines, the manufacturer would need to produce an extra 500 engines in 2008 or 2009 in compliance with the 2007 NO<sub>x</sub> and NMHC standard. The deficit allowed by this paragraph (g)(3) may not exceed 25 percent of the U.S. directed production volume.

(4) Manufacturers certifying engines to a voluntary NO<sub>x</sub> standard of 0.10 g/bhp-hr (without using credits) in addition to all of the other applicable standards listed in paragraphs (a) and (c) of this section prior to model year 2007 may reduce the number of engines that are required to meet the standards listed in paragraph (a)(1) of this section in model year 2007, 2008 and/or 2009, taking into account the phase-in option provided in paragraph (g)(1) of this section. For every engine that is certified early under this provision, the manufacturer may reduce the number of engines that are required by paragraph (g)(1) of this section to meet the standards listed in paragraph (a)(1) of this section by two engines.

(5) For engines certified under paragraph (g)(1) of this section to the NO<sub>x</sub>+NMHC standard in §86.004-11, the standards or FELs to which they are certified shall be used for the purposes of paragraphs (a)(3) and (a)(4) of this section.

(6) Manufacturers may determine the number of engines and vehicles that are required to certify to the NO<sub>x</sub> standard in this section (including the phase-out engines certified to the NO<sub>x</sub>+NMHC standard referenced in this paragraph(g)) based on calendar years 2007, 2008, and 2009, rather than model years 2007, 2008, and 2009.

(h)(1) For model years prior to 2012, for purposes of determining compliance after title or custody has transferred to the ultimate purchaser, for engines having a NO<sub>x</sub> FEL no higher than 1.30 g/bhp-hr, the applicable compliance limit shall be determined by adding the applicable adjustment from paragraph (h)(2) of this section to the otherwise applicable standard or FEL for NO<sub>x</sub>.

(2)(i) For engines with 110,000 or fewer miles, the adjustment is 0.10 g/bhp-hr.

(ii) For engines with 110,001 to 185,000 miles, the adjustment is 0.15 g/bhp-hr.

(iii) For engines with 185,001 or more miles, the adjustment is 0.20 g/bhp-hr.

(3) For model years prior to 2012, for purposes of determining compliance after title or custody has transferred to the ultimate purchaser, the applicable compliance limit shall be determined by adding 0.01 g/bhp-hr to the otherwise applicable standard or FEL for PM.

[65 FR 59954, Oct. 6, 2000, as amended at 66 FR 5161, Jan. 18, 2001; 70 FR 34619, June 14, 2005; 70 FR 40432, July 13, 2005; 71 FR 51486, Aug. 30, 2006]

EFFECTIVE DATE NOTE: At 73 FR 37192, June 30, 2008, §86.007-11 was amended by revising paragraph (a)(2) introductory text, effective July 7, 2008. For the convenience of the user, the revised text is set forth as follows:

**§ 86.007-11 Emission standards and supplemental requirements for 2007 and later model year diesel heavy-duty engines and vehicles.**

\* \* \* \* \*

(a) \* \* \*

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over the duty cycle specified in paragraphs (a)(2)(i) through (iii) of this section, where exhaust emissions are measured and calculated as specified in paragraphs (a)(2)(iv) and (v) of this section in accordance with the procedures set forth in subpart N of this part, except as noted in §86.007-23(c)(2):

\* \* \* \* \*

**§ 86.007-15 NO<sub>x</sub> and particulate averaging, trading, and banking for heavy-duty engines.**

Section 86.007-15 includes text that specifies requirements that differ from §86.004-15. Where a paragraph in §86.004-15 is identical and applicable to §86.007-15, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see §86.004-15.”

(a)-(1) [Reserved]. For guidance see §86.004-15.

(m) The following provisions apply for model year 2007 and later engines (including engines certified during years 2007-2009 under the phase-in provisions of §86.007-11(g)(1), §86.005-10(a), or §86.008-10(f)(1)). These provisions apply instead of the provisions of paragraphs §86.004-15 (a) through (k) to the extent that they are in conflict.

(1) Manufacturers of Otto-cycle engines may participate in an NMHC averaging, banking and trading program to show compliance with the standards specified in § 86.008–10. The generation and use of NMHC credits are subject to the same provisions in paragraphs § 86.004–15 (a) through (k) that apply for NO<sub>x</sub> plus NMHC credits, except as otherwise specified in this section.

(2) Credits are calculated as NO<sub>x</sub> or NMHC credits for engines certified to separate NO<sub>x</sub> and NMHC standards. NO<sub>x</sub> plus NMHC credits (including banked credits and credits that are generated during years 2007–2009 under the phase-in provisions of § 86.007–11(g)(1), § 86.005–10(a), or § 86.008–10(f)(1)) may be used to show compliance with 2007 or later NO<sub>x</sub> standards (NO<sub>x</sub> or NMHC standards for Otto-cycle engines), subject to an 0.8 discount factor (e.g., 100 grams of NO<sub>x</sub> plus NMHC credits is equivalent to 80 grams of NO<sub>x</sub> credits).

(3) NO<sub>x</sub> or NMHC (or NO<sub>x</sub> plus NMHC) credits may be exchanged between heavy-duty Otto-cycle engine families certified to the engine standards of this subpart and heavy-duty Otto-cycle engine families certified to the chassis standards of subpart S of this part, subject to an 0.8 discount factor (e.g., 100 grams of NO<sub>x</sub> (or NO<sub>x</sub> plus NMHC) credits generated from engines would be equivalent to 80 grams of NO<sub>x</sub> credits if they are used in the vehicle program of subpart S, and vice versa).

(4) Credits that were previously discounted when they were banked according to paragraph (c) of § 86.004–15, are subject to an additional discount factor of 0.888 instead of the 0.8 discount factor otherwise required by paragraph (m)(2) or (m)(3) of this section. This results in a total discount factor of 0.8 ( $0.9 \times 0.888 = 0.8$ ).

(5) For diesel engine families, the combined number of engines certified to FELs higher than 0.50 g/bhp-hr using banked NO<sub>x</sub> (and/or NO<sub>x</sub> plus NMHC) credits in any given model year may not exceed 10 percent of the manufacturer's U.S.-directed production of engines in all heavy-duty diesel engine families for that model year.

(6) The FEL must be expressed to the same number of decimal places as the

standard (generally, one-hundredth of a gram per brake horsepower-hour). For engines certified to standards expressed only one-tenth of a gram per brake horsepower-hour, if the FEL is below 1.0, then add a zero to the standard in the second decimal place and express the FEL to nearest one-hundredth of a gram per brake horsepower-hour.

(7) Credits are to be rounded to the nearest one-hundredth of a Megagram using ASTM E29–93a (Incorporated by reference at § 86.1).

(8) Credits generated for 2007 and later model year diesel engine families, or generated for 2008 and later model year Otto-cycle engine families are not discounted (except as specified in paragraph (m)(2) or (m)(3) of this section), and do not expire.

(9) For the purpose of using or generating credits during a phase-in of new standards, a manufacturer may elect to split an engine family into two subfamilies (e.g., one which uses credits and one which generates credits). The manufacturer must indicate in the application for certification that the engine family is to be split, and may assign the numbers and configurations of engines within the respective subfamilies at any time prior to the submission of the end-of-year report required by § 86.001–23.

(i) Manufacturers certifying a split diesel engine family to both the Phase 1 and Phase 2 standards with equally sized subfamilies may exclude the engines within that split family from end-of-year NO<sub>x</sub> (or NO<sub>x</sub>+NMHC) ABT calculations, provided that neither subfamily generates credits for use by other engine families, or uses banked credits, or uses averaging credits from other engine families. All of the engines in that split family must be excluded from the phase-in calculations of § 86.007–11(g)(1) (both from the number of engines complying with the standards being phased-in and from the total number of U.S.-directed production engines.)

(ii) Manufacturers certifying a split Otto-cycle engine family to both the Phase 1 and Phase 2 standards with equally sized subfamilies may exclude the engines within that split family from end-of-year NO<sub>x</sub> (or NO<sub>x</sub>+NMHC)

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ABT calculations, provided that neither subfamily generates credits for use by other engine families, or uses banked credits, or uses averaging credits from other engine families. All of the engines in that split family must be excluded from the phase-in calculations of § 86.008–10(f)(1) (both from the number of engines complying with the standards being phased-in and from the total number of U.S.-directed production engines.)

(iii) Manufacturers certifying a split engine family may label all of the engines within that family with a single NO<sub>x</sub> or NO<sub>x</sub>+NMHC FEL. The FEL on the label will apply for all SEA or other compliance testing.

(iv) Notwithstanding the provisions of paragraph (m)(9)(iii) of this section, for split families, the NO<sub>x</sub> FEL shall be used to determine applicability of the provisions of § 86.007–11(a)(3)(ii), (a)(4)(i)(B), and (h)(1), and § 86.008–10(g).

(10) For model years 2007 through 2009, to be consistent with the phase-in provisions of § 86.007–11(g)(1), credits generated from engines in one diesel engine service class (e.g., light-heavy duty diesel engines) may be used for averaging by engines in a different diesel engine service class, provided the credits are calculated for both engine families using the conversion factor and useful life of the engine family using the credits, and the engine family using the credits is certified to the standards listed in § 86.007–11(a)(1). Banked or traded credits may not be used by any engine family in a different service class than the service class of the engine family generating the credits.

[66 FR 5163, Jan. 18, 2001]

### § 86.007–21 Application for certification.

Section 86.007–21 includes text that specifies requirements that differ from § 86.004–21, 86.094–21 or 86.096–21. Where a paragraph in § 86.004–21, 86.094–21 or 86.096–21 is identical and applicable to § 86.007–21, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.004–21.”, “[Reserved]. For guidance see § 86.094–21.”, or “[Reserved]. For guidance see § 86.096–21.”.

(a)–(b)(3) [Reserved]. For guidance see § 86.094–21.

(b)(4)(i) [Reserved]. For guidance see § 86.004–21.

(b)(4)(ii)–(b)(5)(iv) [Reserved]. For guidance see § 86.094–21.

(b)(5)(v)–(b)(6) [Reserved]. For guidance see § 86.004–21.

(b)(7) and (b)(8) [Reserved]. For guidance see § 86.094–21.

(b)(9) and (b)(10) [Reserved]. For guidance see § 86.004–21.

(c)–(j) [Reserved]. For guidance see § 86.094–21.

(k) and (l) [Reserved]. For guidance see § 86.096–21.

(m) and (n) [Reserved]. For guidance see § 86.004–21.

(o) For diesel heavy-duty engines, the manufacturer must provide the following additional information pertaining to the supplemental emission test conducted under § 86.1360–2007:

(1) Weighted brake-specific emissions data (*i.e.*, in units of g/bhp-hr), calculated according to 40 CFR 1065.650 for all pollutants for which a brake-specific emission standard is established in this subpart;

(2) For engines subject to the MAEL (see § 86.007–11(a)(3)(ii)), brake specific gaseous emission data for each of the 12 non-idle test points (identified under § 86.1360–2007(b)(1)) and the 3 EPA-selected test points (identified under § 86.1360–2007(b)(2));

(3) For engines subject to the MAEL (see § 86.007–11(a)(3)(ii)), concentrations and mass flow rates of all regulated gaseous emissions plus carbon dioxide;

(4) Values of all emission-related engine control variables at each test point;

(5) A statement that the test results correspond to the test engine selection criteria in 40 CFR 1065.401. The manufacturer also must maintain records at the manufacturer's facility which contain all test data, engineering analyses, and other information which provides the basis for this statement, where such information exists. The manufacturer must provide such information to the Administrator upon request;

(6) For engines subject to the MAEL (see § 86.007–11(a)(3)(ii)), a statement that the engines will comply with the weighted average emissions standard