

Environmental Protection Agency

§ 86.1930

approved actions taken to address the trouble codes or MIL.

(5) Describe any instances of misfueling, the approved actions taken to address the problem, and the results of any associated fuel sample testing.

(6) Describe any incomplete or invalid tests that were conducted under this subpart.

(d) Send us an electronic notification at *inuse@epa.gov* describing any voluntary vehicle/engine emission evaluation testing you intend to conduct with portable in-use measurement systems on the same engine families that are being tested under this subpart, from the time that engine family was selected for in-use testing under § 86.1905 until the final results of all testing for that engine family are reported to us under this section.

(e) Send us an electronic notification at *application-ci_cert@epa.gov* within 15 days after your initial review of the test data for a selected engine family indicates that three engines in Phase 1 testing have failed to comply with the vehicle-pass criteria. Similarly, send us an electronic notification at the above electronic address within 3 days after your initial review of the test data for a selected engine family indicates that *any* engine in Phase 2 testing failed to comply with the vehicle-pass criteria.

(f) We may ask you to send us less information in your reports than we specify in this section.

(g) We may require you to send us more information to evaluate whether your engine family meets the requirements of this part, or to help inform potential decisions concerning Phase 2 testing under § 86.1915.

§ 86.1925 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time, so it is important to keep required information readily available.

(b) Keep the following paper or electronic records of your in-use testing for five years after you complete all the testing required for an engine family:

(1) Keep a copy of the reports described in § 86.1920.

(2) Keep any additional records, including forms you create, related to any of the following:

(i) The procurement and vehicle-selection process described in § 86.1908, including the vehicle owner's name, address, phone number, and e-mail address.

(ii) Pre-test maintenance and adjustments to the engine performed under § 86.1910.

(iii) Test results for all void, incomplete, and voluntary testing described in § 86.1920.

(iv) Evaluations to determine why a vehicle failed the vehicle-pass criteria described in § 86.1912.

(3) Keep a copy of the relevant calibration results required by 40 CFR part 1065.

§ 86.1930 What special provisions apply from 2005 through 2009?

(a) We may direct you to test engines under this subpart for emissions other than PM in 2005 and 2006, and for PM emissions in 2007 and 2008. In those interim periods, all the provisions of this subpart apply, with the following exceptions:

(1) We will select engine families for testing of emissions other than PM only when the manufacturer's Statement of Compliance specifically describes the family as being designed to comply with NTE requirements.

(2) If you participate in the test program described in § 86.1935(a), you may limit your testing under Phase 1 to a maximum of five vehicles per selected engine family.

(3) We will not direct you to do the Phase 2 testing in § 86.1915(c), regardless of measured emission levels.

(4) For purposes of calculating the NTE thresholds under § 86.1912(a) for any 2006 and earlier model year engine that is not subject to the emission standards in § 86.007-11, determine the applicable NTE standards as follows:

(i) If any numerical NTE requirements specified in the terms of any consent decree apply to the engine family, use those values as the NTE standards for testing under this subpart.

(ii) If a numerical NTE requirement is not specified in a consent decree for the engine family, the NTE standards

§ 86.1935

40 CFR Ch. I (7–1–08 Edition)

are 1.25 times the applicable FELs or the applicable emission standards specified in § 86.004–11(a)(1) or § 86.098–11(a)(1).

(5) In the report required in § 86.1920(b), you must submit the deficiencies and limited testing region reports (see § 86.007–11(a)(4)(iv) and § 86.1370–2007(b)(6) and (7)) for 2006 and earlier model year engines tested under this section.

(6) Testing under this section may be extended as described in § 86.1935(d).

(7) You must complete all the required testing and reporting under this subpart by the following dates:

(i) November 30, 2007 for engine families that we designate for non-PM testing in 2005.

(ii) November 30, 2008 for engine families that we designate for non-PM testing in 2006.

(iii) May 31, 2010 for engine families that we designate for PM testing in 2007.

(iv) September 30, 2010 for engine families we designate for PM testing in 2008.

(b) For 2007 through 2009 all the provisions of this subpart and paragraph (a) of this section apply, with the following additional exceptions:

(1) You must complete all the required testing and reporting under this subpart by the following dates:

(i) November 30, 2009 for engine families that we designate for non-PM testing in 2007.

(ii) March 31, 2010 for engine families that we designate for non-PM testing in 2008.

(iii) April 30, 2011 for engine families that we designate for non-PM and PM testing in 2009.

(2) You may conduct non-PM and PM testing on different vehicles for engine families that we designate in 2007 and 2008.

(3) You may conduct PM testing as follows for 2007:

(i) Test vehicles may be selected from a vehicle fleet that you own or otherwise directly control.

(ii) Test vehicles may be operated by a driver that you employ.

(iii) Each test vehicle must be operated on a route and under operating conditions that reasonably replicate the use of the selected vehicle type

when operated in typical revenue service, unless otherwise approved by us.

[70 FR 34619, June 14, 2005, as amended at 73 FR 13451, Mar. 13, 2008]

§ 86.1935 What special provisions may apply as a consequence of a delay in the particulate matter accuracy margin report for portable emission measurement systems?

(a) A memorandum entitled, “Memorandum of Agreement, Program to Develop Emission Measurement Accuracy Margins for Heavy-Duty In-Use Testing” describes a test program for establishing measurement accuracy margins related to testing under § 86.1912(a)(4) which will be used for testing under this subpart. This document is available at <http://www.epa.gov/otaq/hd-hwy.htm> or at the mailing address specified in § 86.1905(g).

(b) If there is a delay in receiving the written final report for PM emissions described in the agreement referenced in paragraph (a) of this section, and that delay is not attributable to engine manufacturers failing to meet their commitments under that agreement, the following provisions apply:

(1) If the delay is 3 months or less, we will delay the designation of engine families for testing in the applicable calendar year, as described in § 86.1905(d), by the same number of additional whole months (rounded up) needed to complete the report.

(2) If the delay is more than 3 months but less than 12 months, we may continue to designate engine families for testing under the special provisions described in § 86.1930 for an additional year.

(3) If the delay is longer than 12 months, the following approach is established for the applicable calendar year:

(i) If the delay is longer than 12 months but less than 15 months, we will follow the steps described in paragraph (b)(1) of this section.

(ii) If the delay is longer than 15 months, but, less than 24 months, we will follow the steps described in paragraph (b)(2) of this section, for the applicable calendar year.

(iii) If the delay is longer than 24 months, the emission testing program will go into abeyance.