

## Environmental Protection Agency

## § 1065.1

- 1065.514 Cycle-validation criteria for operation over specified duty cycles.
- 1065.520 Pre-test verification procedures and pre-test data collection.
- 1065.525 Engine starting, restarting, shutdown, and optional repeating of void discrete modes.
- 1065.530 Emission test sequence.
- 1065.545 Validation of proportional flow control for batch sampling.
- 1065.546 Validation of minimum dilution ratio for PM batch sampling.
- 1065.550 Gas analyzer range validation, drift validation, and drift correction.
- 1065.590 PM sampling media (e.g., filters) preconditioning and tare weighing.
- 1065.595 PM sample post-conditioning and total weighing.

### Subpart G—Calculations and Data Requirements

- 1065.601 Overview.
- 1065.602 Statistics.
- 1065.610 Duty cycle generation.
- 1065.630 1980 international gravity formula.
- 1065.640 Flow meter calibration calculations.
- 1065.642 SSV, CFV, and PDP molar flow rate calculations.
- 1065.644 Vacuum-decay leak rate.
- 1065.645 Amount of water in an ideal gas.
- 1065.650 Emission calculations.
- 1065.655 Chemical balances of fuel, intake air, and exhaust.
- 1065.659 Removed water correction.
- 1065.660 THC and NMHC determination.
- 1065.665 THCE and NMHCE determination.
- 1065.667 Dilution air background emission correction.
- 1065.670 NO<sub>x</sub> intake-air humidity and temperature corrections.
- 1065.672 Drift correction.
- 1065.675 CLD quench verification calculations.
- 1065.690 Buoyancy correction for PM sample media.
- 1065.695 Data requirements.

### Subpart H—Engine Fluids, Test Fuels, Analytical Gases and Other Calibration Standards

- 1065.701 General requirements for test fuels.
- 1065.703 Distillate diesel fuel.
- 1065.705 Residual and intermediate residual fuel.
- 1065.710 Gasoline.
- 1065.715 Natural gas.
- 1065.720 Liquefied petroleum gas.
- 1065.740 Lubricants.
- 1065.745 Coolants.
- 1065.750 Analytical Gases.
- 1065.790 Mass standards.

### Subpart I—Testing with Oxygenated Fuels

- 1065.801 Applicability.
- 1065.805 Sampling system.
- 1065.845 Response factor determination.
- 1065.850 Calculations.

### Subpart J—Field Testing and Portable Emission Measurement Systems

- 1065.901 Applicability.
- 1065.905 General provisions.
- 1065.910 PEMS auxiliary equipment for field testing.
- 1065.915 PEMS instruments.
- 1065.920 PEMS Calibrations and verifications.
- 1065.925 PEMS preparation for field testing.
- 1065.930 Engine starting, restarting, and shutdown.
- 1065.935 Emission test sequence for field testing.
- 1065.940 Emission calculations.

### Subpart K—Definitions and Other Reference Information

- 1065.1001 Definitions.
- 1065.1005 Symbols, abbreviations, acronyms, and units of measure.
- 1065.1010 Reference materials.

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SOURCE: 70 FR 40516, July 13, 2005, unless otherwise noted.

### Subpart A—Applicability and General Provisions

#### § 1065.1 Applicability.

(a) This part describes the procedures that apply to testing we require for the following engines or for vehicles using the following engines:

(1) Locomotives we regulate under 40 CFR part 1033. For earlier model years, manufacturers may use the test procedures in this part or those specified in 40 CFR part 92 according to § 1065.10.

(2) Model year 2010 and later heavy-duty highway engines we regulate under 40 CFR part 86. For earlier model years, manufacturers may use the test procedures in this part or those specified in 40 CFR part 86, subpart N, according to § 1065.10.

(3) Nonroad diesel engines we regulate under 40 CFR part 1039 and stationary diesel engines that are certified to the standards in 40 CFR part 1039 as specified in 40 CFR part 60, subpart IIII. For earlier model years, manufacturers may use the test procedures

## § 1065.2

## 40 CFR Ch. I (7–1–10 Edition)

in this part or those specified in 40 CFR part 89 according to §1065.10.

(4) Marine diesel engines we regulate under 40 CFR part 1042. For earlier model years, manufacturers may use the test procedures in this part or those specified in 40 CFR part 94 according to §1065.10.

(5) Marine spark-ignition engines we regulate under 40 CFR part 1045. For earlier model years, manufacturers may use the test procedures in this part or those specified in 40 CFR part 91 according to §1065.10.

(6) Large nonroad spark-ignition engines we regulate under 40 CFR part 1048, and stationary engines that are certified to the standards in 40 CFR part 1048 or as otherwise specified in 40 CFR part 60, subpart JJJJ.

(7) Vehicles we regulate under 40 CFR part 1051 (such as snowmobiles and off-highway motorcycles) based on engine testing. See 40 CFR part 1051, subpart F, for standards and procedures that are based on vehicle testing.

(8) Small nonroad spark-ignition engines we regulate under 40 CFR part 1054 and stationary engines that are certified to the standards in 40 CFR part 1054 as specified in 40 CFR part 60, subpart JJJJ. For earlier model years, manufacturers may use the test procedures in this part or those specified in 40 CFR part 90 according to §1065.10.

(b) The procedures of this part may apply to other types of engines, as described in this part and in the standard-setting part.

(c) The term “you” means anyone performing testing under this part other than EPA.

(1) This part is addressed primarily to manufacturers of engines, vehicles, equipment, and vessels, but it applies equally to anyone who does testing under this part for such manufacturers.

(2) This part applies to any manufacturer or supplier of test equipment, instruments, supplies, or any other goods or services related to the procedures, requirements, recommendations, or options in this part.

(d) Paragraph (a) of this section identifies the parts of the CFR that define emission standards and other requirements for particular types of engines. In this part, we refer to each of these other parts generically as the “stand-

ard-setting part.” For example, 40 CFR part 1051 is always the standard-setting part for snowmobiles. Note that while 40 CFR part 86 is the standard-setting part for heavy-duty highway engines, this refers specifically to 40 CFR part 86, subpart A, and to certain portions of 40 CFR part 86, subpart N, as described in 40 CFR 86.1301.

(e) Unless we specify otherwise, the terms “procedures” and “test procedures” in this part include all aspects of engine testing, including the equipment specifications, calibrations, calculations, and other protocols and procedural specifications needed to measure emissions.

(f) For vehicles, equipment, or vessels subject to this part and regulated under vehicle-based, equipment-based, or vessel-based standards, use good engineering judgment to interpret the term “engine” in this part to include vehicles, equipment, or vessels, where appropriate.

(g) For additional information regarding these test procedures, visit our Web site at <http://www.epa.gov>, and in particular <http://www.epa.gov/nvfel/testing/regulations.htm>.

[73 FR 37288, June 30, 2008, as amended at 73 FR 59321, Oct. 8, 2008; 75 FR 23028, Apr. 30, 2010]

### § 1065.2 Submitting information to EPA under this part.

(a) You are responsible for statements and information in your applications for certification, requests for approved procedures, selective enforcement audits, laboratory audits, production-line test reports, field test reports, or any other statements you make to us related to this part 1065. If you provide statements or information to someone for submission to EPA, you are responsible for these statements and information as if you had submitted them to EPA yourself.

(b) In the standard-setting part and in 40 CFR 1068.101, we describe your obligation to report truthful and complete information and the consequences of failing to meet this obligation. See also 18 U.S.C. 1001 and 42 U.S.C. 7413(c)(2). This obligation applies whether you submit this information directly to EPA or through someone else.