

(d) Clean alternative fuel conversion manufacturers must accept in-use liability for warranty, are subject to defect reporting requirements, and may be required to recall any parts or systems for which the failure can be traced to the conversion, regardless of whether installation was proper or improper. The OEM shall remain liable for the performance of any parts or systems which retain their original function following conversion and are unaffected by the conversion.

(e) Clean alternative fuel conversion manufacturers must keep sufficient records for five years from the date of notification or certification, or the date of the last conversion installation, whichever is later, to show that they meet applicable requirements.

(f) Clean alternative fuel conversion manufacturers must submit an end of the year sales report to EPA describing the number of clean alternative fuel conversions by fuel type(s) and vehicle test group/engine family by January 31 of the following year. The number of conversions is the sum of the calendar year intermediate age conversions, outside useful life conversions, and the same conversion model year certified clean alternative fuel conversions. The number of conversions will be added to any other vehicle and engine sales accounted for using 40 CFR 86.1838-01 or 40 CFR 86.098-14 as appropriate to determine small volume manufacturer or qualified small volume test group/engine family status.

(g) Conversion manufacturers who market conversion systems for use on vehicles/engines other than the test group/engine families and evaporative/refueling families covered by the compliance demonstration and notification may be liable for a tampering violation for each vehicle/engine to which conversion system is misapplied.

### Subparts G–N [Reserved]

### Subpart O—Urban Bus Rebuild Requirements

SOURCE: 58 FR 21386, Apr. 21, 1993, unless otherwise noted.

#### § 85.1401 General applicability.

The requirements of this subpart shall be applicable to 1993 and earlier model year urban buses operating in consolidated metropolitan statistical areas and metropolitan statistical areas with a 1980 population of 750,000 or more that have their engines rebuilt or replaced after January 1, 1995.

#### § 85.1402 Definitions.

The definitions of this section apply to this subpart.

*Agency* means the Environmental Protection Agency.

*Certified equipment* or *Retrofit/Rebuild Equipment* means equipment certified in accordance with the certification regulations contained in this subpart.

*Emission related parts* means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued emission compliance.

*Engine configuration* means the set of components, tolerances, specifications, design parameters, and calibrations related to the emissions performance of the engine and specific to a subset of an engine family having a unique combination of displacement, fuel injection calibration, auxiliary emission control devices and emission control system components.

*Engine rebuild* means an activity, occurring over one or more maintenance events, involving:

(1) Disassembly of the engine including the removal of the cylinder head(s); and

(2) The replacement or reconditioning of more than one major cylinder component in more than half of the cylinders.

*Engine replacement* means the removal of an engine from the coach followed by the installation of another engine.

*In-use compliance period* for purposes of in-use testing means a period of 150,000 miles.

*Maintenance event* means a single maintenance activity for which the engine is removed from service. Once the engine is returned to service, the maintenance event is considered done.

*Major cylinder component* means piston assembly, cylinder liner, connecting rod, or piston ring set.

*MOD Director* means Director of Manufacturers Operations Division, Office of Mobile Sources—Office of Air and Radiation of the Environmental Protection Agency.

*Office Director* means the Director for the Office of Mobile Sources—Office of Air and Radiation of the Environmental Protection Agency or an authorized representative of the Office Director.

*Operator* means transit authority, state, city department, or private or public entity controlling the use of one or more urban buses.

*Original engine configuration* means the engine configuration at time of initial sale.

*Original equipment part* means a part present in or on an engine at the time an urban bus is originally sold to the ultimate purchaser.

*Scheduled maintenance* means those maintenance events required by the equipment certifier in order to ensure that the retrofitted engine will maintain its emissions performance over the in-use compliance period.

*Urban bus* has the meaning set forth in § 86.091–2 of this chapter.

*Written instructions for proper maintenance and use* means those maintenance and operation instructions specified in the warranty as being necessary to assure compliance of the retrofit/rebuild equipment with applicable emission standards for the in-use compliance period.

**§ 85.1403 Particulate standard for pre-1994 model year urban buses effective at time of engine rebuild or engine replacement.**

(a) Operators of urban buses in areas described in § 85.1401 shall be in compliance with one of the two programs described in paragraphs (b) and (c) of this section. An operator may switch between programs from year to year only if the operator has been in compliance with all the requirements of the newly chosen program at all times between January 1, 1995 and the date on which the operator chooses to switch programs.

(b) Program 1: Performance based requirement. Program 1 requires that affected urban buses meet a particulate standard of 0.10 g/bhp-hr effective at time of engine rebuild or replacement and thereafter. The requirement to meet the 0.10 g/bhp-hr standard is automatically waived if no equipment has been certified that meets the 0.10 g/bhp-hr standard and has a life cycle cost of \$7,940 or less (in 1992 dollars) for the engine being rebuilt. Program 1 contains fallback requirements for engines for which the 0.10 g/bhp-hr standard is waived. Such urban bus engines must receive equipment that provides a 25 percent reduction in particulate emissions relative to the particulate level of the original engine configuration. This 25 percent reduction requirement is automatically waived if no equipment has been certified for the engine being rebuilt that provides a 25 percent reduction in particulate emissions and has a life cycle cost \$2,000 or less (in 1992 dollars). In cases where equipment is not available to either meet a 0.10 g/bhp-hr standard for less than the applicable cost ceiling or achieve a 25 percent reduction for less than the applicable cost ceiling, the urban bus is required to be equipped with an engine rebuilt to the original engine configuration or a configuration certified to have a particulate level lower than that of the original engine configuration.

(1) Exhaust emissions from any urban bus for which this subpart is applicable shall not exceed a particulate standard of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) if equipment is available for the engine model of such urban bus at time of engine rebuild or engine replacement, as specified in paragraph (b)(1)(i) of this section.

(i) Equipment is available for a particular engine model if equipment has been certified to a particulate standard of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule), and the equipment for the engine model has been approved for certification for six months or more, and has a life cycle cost as determined under paragraph (b)(1)(ii) of this section that does not