

§ 85.535

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fuel or fuels the vehicle/engine is designed to use and provide a unique conversion test group/conversion engine family name and conversion evaporative/refueling emissions family name.

(ii) You must identify your corporate name, address, and telephone number.

(iii) You must include one of the following statements that describes how you comply under this subpart and any applicable mileage or age restrictions due to how compliance was demonstrated:

(A) "This clean alternative fuel conversion system has been certified to meet EPA emission standards."

(B) "Testing has shown that this clean alternative fuel conversion system meets EPA emission standards under the intermediate age vehicle/engine program."

(C) "This conversion system is for the purpose of use of a clean alternative fuel in accordance with EPA regulations and is applicable only to vehicles/engines that are older than 11 years or 120,000 miles." (Values must be adjusted to reflect OEM useful life; useful life in hours should be added, if applicable).

(iv) State the following: "This conversion was manufactured and installed consistent with the principles of good engineering judgment and all U.S. EPA regulations."

(4) On the supplemental label, you must identify any original parts that will be removed for the conversion and any associated changes in maintenance specifications.

(5) On the supplemental label, you must include the date of conversion and the mileage of the vehicle/engine at the time of conversion. Include the hours of operation instead of mileage, if applicable.

(b) The supplemental emission control information label shall be placed in a permanent manner adjacent to the vehicle's/engine's original emission control information label if possible. If it is impractical to place the supplemental label adjacent to the original label, it must be placed where it will be seen by a person viewing the original label on a part that is needed for normal operation and does not normally need replacement. If the supplemental

label information cannot fit on one label, the information can be logically split among two labels that are both near the original VECI or engine label.

(c) All information provided on clean alternative fuel conversion system packaging must be consistent with the required vehicle/engine labeling information.

(d) Examples of all labeling and warranty information must be provided as part of the application for certification or notification process.

(e) The marketing material and label information for a given conversion system must be consistent with the conversion manufacturer's demonstration/notification to EPA for that system.

§ 85.535 Liability, recordkeeping, and end of year reporting.

(a) Clean alternative fuel conversion manufacturers are liable for in-use performance of their conversion systems as outlined in this part.

(b) We may conduct or require testing on any vehicles/engines as allowed under the Clean Air Act. This may involve confirmatory testing, in-use testing, and/or selective enforcement audits for clean alternative fuel conversion systems. Dual-fuel vehicles/engines may be tested when operating on any of the fuels. Mixed-fuel vehicles/engines may be tested on any fuel blend ratio that is expected to occur during normal operation.

(c) Except for an application for certification, your actions to document compliance and notify us under this subpart are not a request for our approval. We generally do not give any formal approval short of issuing a certificate of conformity. However, if we learn that your actions fall short of full compliance with applicable requirements we may notify you that you have not met applicable requirements or that we need more information to make that determination. The exemption from the tampering prohibition may be void ab initio if the conversion manufacturer has not satisfied all of the applicable provisions of this subpart even if a submission to EPA has been made and the conversion system appears on EPA's publicly available list of compliant systems.

(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.