

## Environmental Protection Agency

## § 86.094-7

(b) The abbreviations in this section apply to this subpart, and also to subparts B, E, F, H, M, N and P of this part, and have the following meanings:

ALVW—Adjusted Loaded Vehicle Weight  
LPG—Liquefied Petroleum Gas  
NMHC—Nonmethane Hydrocarbons  
NMHCE—Non-Methane Hydrocarbon Equivalent  
PM—Particulate Matter  
THC—Total Hydrocarbons

[56 FR 25740, June 5, 1991, as amended at 58 FR 33208, June 16, 1993; 59 FR 48494, Sept. 21, 1994; 60 FR 34335, June 30, 1995]

### § 86.094-7 Maintenance of records; submittal of information; right of entry.

Section 86.094-7 includes text that specifies requirements that differ from § 86.091-7. Where a paragraph in § 86.091-7 is identical and applicable to § 86.094-7, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.091-7.” Where a corresponding paragraph of § 86.091-7 is not applicable, this is indicated by the statement “[Reserved].”

(a) Introductory text through (a)(2) [Reserved]. For guidance see § 86.091-7.

(a)(3) All records, other than routine emission test records, required to be maintained under this subpart shall be retained by the manufacturer for a period of eight (8) years after issuance of all certificates of conformity to which they relate. Routine emission test records shall be retained by the manufacturer for a period of one (1) year after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided, that in every case all the information contained in the hard copy shall be retained.

(b)-(c)(2) [Reserved]. For guidance see § 86.091-7.

(c)(3) The manufacturer (or contractor for the manufacturer, if applicable) shall retain all records required to be maintained under this section for a period of eight (8) years from the due date for the end-of-model year averaging, trading, and banking reports. Records may be retained as hard copy or reduced to microfilm, ADP files,

etc., depending on the manufacturer's record retention procedure, provided that in every case all the information contained in the hard copy is retained.

(c)(4)-(d)(1)(v) [Reserved]. For guidance see § 86.091-7.

(d)(1)(vi) Any facility where any record or other document relating to the information specified in paragraph (h) of this section is located.

(2) Upon admission to any facility referred to in paragraph (d)(1) of this section, any EPA Enforcement Officer or any EPA authorized representative shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle (or engine) preconditioning, emissions tests and mileage (or service) accumulation, maintenance, and vehicle soak and storage procedures (or engine storage procedures), and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents, including those records specified in § 86.091-7(c); and

(iii) To inspect and make copies of any such records, designs or other documents including those records specified in paragraph (h) of this section; and

(iv) To inspect and/or photograph any part or aspect of any such certification vehicle (or certification engine) and any components to be used in the construction thereof.

(d)(3)-(g) [Reserved]. For guidance see § 86.091-7.

(h)(1) The manufacturer (or contractor for the manufacturer, if applicable) of any model year 1994 through 1997 light-duty vehicle or light light-duty truck or model year 1994 through 1998 heavy light-duty truck that is certified shall establish, maintain, and retain the following adequately organized and indexed records for each such vehicle:

- (i) EPA engine family;
- (ii) Vehicle identification number;
- (iii) Model year and production date;
- (iv) Shipment date;
- (v) Purchaser; and
- (vi) Purchase contract.

(2) In addition, the manufacturer (or contractor for the manufacturer, if applicable) of each certified engine family shall establish, maintain, and retain adequately organized records of the actual U.S. sales volume for the model year for each engine family. The manufacturer may petition the Administrator to allow actual volume produced for U.S. sale to be used in lieu of actual U.S. sales. Such petition shall be submitted within 30 days of the end of the model year to the Manufacturer Operations Division. For the petition to be granted, the manufacturer must establish to the satisfaction of the Administrator that actual production volume is functionally equivalent to actual sales volume.

(3) The manufacturer (or contractor for the manufacturer, if applicable) shall retain all records required to be maintained under this section for a period of eight (8) years from the due date for the applicable end-of-model year report. Records may be retained as hard copy or reduced to microfilm, ADP film, etc., depending on the manufacturer's record retention procedure, provided that in every case all the information contained in the hard copy is retained.

(4) Nothing in this section limits the Administrator's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(5) Pursuant to a request made by the Administrator, the manufacturer shall submit to him the information that is required to be retained.

(6) *Voiding a certificate.* (i) EPA may void ab initio a certificate for a vehicle certified to Tier 0 certification standards for which the manufacturer fails to retain the records required in this section or to provide such information to the Administrator upon request.

(ii) EPA may void ab initio a certificate for a 1994 or 1995 model year light-duty vehicle or light-duty truck that is not certified in compliance with the cold temperature CO standard for which the manufacturer fails to retain the records required in this section or to provide such information to the Administrator upon request.

(iii) Any voiding ab initio of a certificate under § 86.094-7(c) and paragraph

(h) of this section will be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.614 for light-duty vehicles or under § 86.1014 for light-duty trucks and heavy-duty engines.

(i) Any voiding ab initio of a certificate under § 86.091-7 (c) and paragraph (h) of this section will be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.614 for light-duty vehicles or under § 86.1014 for light-duty trucks and heavy-duty engines.

[56 FR 25740, June 5, 1991, as amended at 57 FR 31897, July 17, 1992]

**§ 86.094-8 Emission standards for 1994 and later model year light-duty vehicles.**

Section 86.094-8 includes text that specifies requirements that differ from § 86.090-8. Where a paragraph in § 86.090-8 is identical and applicable to § 86.094-8, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]. For guidance see § 86.090-8." Where a corresponding paragraph of § 86.090-8 is not applicable, this is indicated by the statement "[Reserved]."

(a)(1) *Standards.* (i) Exhaust emissions from 1994 and later model year vehicles (optional for 1994 through 1996 model year gaseous-fueled vehicles) shall meet all standards in tables A94-2, A94-3, A94-5 and A94-6 in the rows designated with the applicable fuel type, according to the implementation schedule in tables A94-1 and A94-4, as follows:

(A)(1)(i) A minimum of the percentage shown in table A94-1 of a manufacturer's sales of the applicable model year's light-duty vehicles shall not exceed the applicable Tier 1 standards in table A94-2 and shall not exceed the applicable Tier 1 standards in table A94-3. The remaining vehicles shall not exceed the applicable Tier 0 standards in table A94-2.

(ii) Optionally, a minimum of the percentage shown in table A94-1 of a manufacturer's combined sales of the applicable model year's light-duty vehicles and light-duty trucks shall not exceed the applicable Tier 1 standards.