

§ 86.098-30

40 CFR Ch. I (7-1-04 Edition)

vapor pressure of diesel fuel and the vehicle tank temperatures, hydrocarbon vapor concentrations are low and the vehicle meets the 0.20 grams/gallon refueling emission standard without a control system.”

(2) The certification required in paragraph (g)(1)(ii) of this section must be provided in writing and must apply for the full useful life of the vehicle.

(3) EPA reserves the authority to require testing to enforce compliance and to prevent noncompliance with the refueling emission standard.

(4) Vehicles certified to the refueling emission standard under this provision shall not be counted in the sales percentage compliance determinations for the 1988, 1989 and subsequent model years.

(h) *Fixed liquid level gauge waiver.* Liquefied petroleum gas-fueled vehicles which contain fixed liquid level gauges or other gauges or valves which can be opened to release fuel or fuel vapor during refueling, and which are being tested for refueling emissions, are not required to be tested with such gauges or valves open, as outlined in § 86.157-98(d)(2), provided the manufacturer can demonstrate, to the satisfaction of the Administrator, that such gauges or valves would not be opened during refueling in-use due to inaccessibility or other design features that would prevent or make it very unlikely that such gauges or valves could be opened.

[59 FR 16292, Apr. 6, 1994, as amended at 59 FR 48503, Sept. 21, 1994]

§ 86.098-30 Certification.

Section 86.098-30 includes text that specifies requirements that differ from § 86.094-30, § 86.095-30 or § 86.096-30. Where a paragraph in § 86.094-30, § 86.095-30 or § 86.096-30 is identical and applicable to § 86.098-30. This may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094-30.” or “[Reserved]. For guidance see § 86.095-30.” or “[Reserved]. For guidance see § 86.096-30.”.

(a)(1) and (a)(2) [Reserved]. For guidance see § 86.094-30.

(a)(3)(i) One such certificate will be issued for each engine family. For gasoline-fueled and methanol-fueled light-duty vehicles and light duty-trucks

and petroleum-fueled diesel-cycle light-duty vehicles and light duty-trucks not certified under § 86.098-28(g), one such certificate will be issued for each engine family-evaporative/refueling emission family combination. Each certificate will certify compliance with no more than one set of in-use and certification standards (or family emission limits, as appropriate).

(a)(3)(ii)-(a)(4)(ii) [Reserved]. For guidance see § 86.095-30.

(a)(4)(iii) introductory text through (a)(4)(iii)(C) [Reserved]. For guidance see § 86.094-30.

(a)(4)(iv) introductory text [Reserved]. For guidance see § 86.095-30.

(a)(4)(iv)(A)-(a)(9) [Reserved]. For guidance see § 86.094-30.

(a)(10)(i) For diesel-cycle light-duty vehicle and diesel-cycle light-duty truck families which are included in a particulate averaging program, the manufacturer’s production-weighted average of the particulate emission limits of all engine families in a participating class or classes shall not exceed the applicable diesel-cycle particulate standard, or the composite particulate standard defined in § 86.090-2 as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted FEL to exceed the particulate standard.

(ii) For all heavy-duty diesel-cycle engines which are included in the particulate ABT programs under §§ 86.094-15, 86.098-15, or superseding ABT sections, the provisions of paragraphs (a)(10)(ii) (A) through (C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with all applicable ABT provisions and the ABT related provisions of other applicable sections, both during and after the model year production.

(B) Failure to comply with all applicable ABT provisions will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(11)(i) For light-duty truck families which are included in a NO_x averaging program, the manufacturer's production-weighted average of the NO_x emission limits of all such engine families shall not exceed the applicable NO_x emission standard, or the composite NO_x emission standard defined in §86.088-2, as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted FEL to exceed the NO_x standard.

(ii) For all HDEs which are included in the NO_x or NO_x plus NMHC ABT programs under §86.098-15 or superseding ABT sections, the provisions of paragraphs (a)(11)(ii) (A) through (C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with all applicable ABT provisions and the ABT related provisions of other applicable sections, both during and after the model year production.

(B) Failure to comply with all applicable ABT provisions will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(a)(12) [Reserved]. For guidance see §86.094-30.

(a)(13) [Reserved]. For guidance see §86.095-30.

(a)(14) [Reserved]. For guidance see §86.094-30.

(a)(15)-(18) [Reserved]. For guidance see §86.096-30.

(a)(19) For all light-duty vehicles certified to refueling emission standards under §86.098-8, the provisions of paragraphs (a)(19) (i) through (iii) of this section apply.

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.098-8,

both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.094-8 be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(b)(1) introductory text through (b)(1)(i)(B) [Reserved]. For guidance see §86.094-30.

(b)(1)(i)(C) The emission-data vehicle(s) selected under §86.098-24(b)(1)(vii) (A) and (B) shall represent all vehicles of the same evaporative/refueling control system within the evaporative /refueling family.

(b)(1)(ii)-(b)(1)(iv) [Reserved]. For guidance see §86.094-30.

(b)(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative/refueling emission family combination (as applicable), all of which comply with all applicable standards (or family emission limits, as appropriate).

(b)(3)-(b)(4)(i) [Reserved]. For guidance see §86.094-30.

(b)(4)(ii) Remove the vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) which failed, from his application:

(b)(4)(ii)(A) [Reserved]. For guidance see §86.094-30.

(b)(4)(ii)(B) If the failed vehicle was tested for compliance with one or more of the exhaust, evaporative and refueling emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission data vehicle which will be tested for compliance with all of the applicable emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two or more vehicles may be selected (e.g., one vehicle to satisfy the exhaust emission vehicle

selection criteria and one vehicle to satisfy the evaporative and refueling emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards (or family emission limits, as appropriate) only. The vehicle selected to satisfy the evaporative and/or refueling emission vehicle selection criteria will be tested for compliance with exhaust, evaporative and/or refueling emission standards; or

(iii) Remove the vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s) (or evaporative/refueling vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative/refueling emission code, as applicable) and demonstrate by testing that it meets applicable standards (or family emission limits, as appropriate) for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.001–24(b), a new emission data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards (or family emission limits, as appropriate) only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with all of the applicable emission standards (or family emission limits, as appropriate); or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards (or family emission limits, as appropriate) for which it was originally tested. The Administrator may require a new emission data vehicle, of identical vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards (or family emission limits, as ap-

propriate) for which the failed vehicle was originally tested.

(b)(5)–(e) [Reserved]. For guidance see § 86.094–30.

(f) introductory text through (f)(3) [Reserved]. For guidance see § 86.095–30.

(f)(4) The electronic evaporative and/or refueling purge control device (if equipped) or any emission-related powertrain component connected to a computer is electrically disconnected.

[59 FR 16293, Apr. 6, 1994, as amended at 62 FR 54719, Oct. 21, 1997]

§ 86.098–35 Labeling.

Section 86.098–35 includes text that specifies requirements that differ from §§ 86.095–35 and 86.096–35. Where a paragraph in § 86.095–35 or § 86.096–35 is identical and applicable to § 86.098–35, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.095–35.” or “[Reserved]. For guidance see § 86.096–35.”

(a) introductory text through (a)(1)(iii)(B) [Reserved]. For guidance see § 86.095–35.

(a)(1)(iii)(C) Engine displacement (in cubic inches or liters), engine family identification and evaporative/refueling family identification.

(a)(1)(iii)(D)–(L) [Reserved]. For guidance see § 86.095–35.

(a)(1)(iii)(M) For model year 1998 light-duty vehicles, a clear indication of which test procedure was used to certify the evaporative/refueling family, e.g., “Evaporative /refueling Family xx (§ 86.130–96 procedures)” or “Evaporative /refueling Family xx (§ 86.130–78 procedures).”

(a)(1)(iii)(N) [Reserved]. For guidance see § 86.096–35.

(a)(2) heading through (a)(2)(iii)(K) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(L) [Reserved]

(a)(2)(iii)(M)–(a)(2)(iii)(N) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(O)–(a)(2)(iii)(P) [Reserved]. For guidance see § 86.096–35.

(a)(3) heading through (a)(4)(iii)(F) [Reserved]. For guidance see § 86.095–35.

(a)(4)(iii)(G) [Reserved]. For guidance see § 86.096–35.

(b)–(i) [Reserved]. For guidance see § 86.095–35.

[59 FR 16294, Apr. 6, 1994]