

Environmental Protection Agency

§ 86.099–30

and programmed upgrades of computers, and if any unmet requirements are not carried over from the previous model year except where unreasonable hardware or software modifications would be necessary to correct the non-compliance, and the manufacturer has demonstrated an acceptable level of effort toward compliance as determined by the Administrator. Furthermore, EPA will not accept any deficiency requests that include the complete lack of a major diagnostic monitor (“major” diagnostic monitors being those for the catalyst, oxygen sensor, engine misfire, and evaporative leaks), with the possible exception of the special provisions for alternate fueled vehicles. For alternate fueled vehicles (e.g., natural gas, liquefied petroleum gas, methanol, ethanol), beginning with the model year for which alternate fuel emission standards are applicable and extending through the 2004 model year, manufacturers may request the Administrator to waive specific monitoring requirements of this section for which monitoring may not be reliable with respect to the use of the alternate fuel. At a minimum, alternate fuel vehicles shall be equipped with an OBD system meeting OBD requirements to the extent feasible as approved by the Administrator.

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code Sec. 1968.1), as modified pursuant to California Mail Out #97-24 (December 9, 1997), shall satisfy the requirements of this section, except that compliance with Title 13 California Code Secs. 1968.1(b)(4.2.2), pertaining to evaporative leak detection, and 1968.1(d), pertaining to tampering protection, are not required to satisfy the requirements of this section, and the deficiency fine provisions of 1968.1(m)(6.1) and (6.2) shall not apply.

[63 FR 70694, Dec. 22, 1998]

§ 86.099–30 Certification.

This § 86.099–30 includes text that specifies requirements that differ from § 86.094–30, § 86.095–30, § 86.096–30, or § 86.098–30. Where a paragraph in § 86.094–30, § 86.095–30, § 86.096–30, or § 86.098–30 is identical and applicable to § 86.099–30, 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.” or “[Reserved]. For guidance see § 86.098–30.”.

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

(a)(3)(i) [Reserved]. For guidance see § 86.098–30.

(a)(3)(ii) and (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)–(a)(11)(ii)(C) [Reserved]. For guidance see § 86.098–30.

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

(a)(19) introductory text through (a)(19)(iii) [Reserved]. For guidance see § 86.098–30.

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

(b)(1)(i)(C) [Reserved]. For guidance see § 86.098–30.

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

(b)(2) [Reserved]. For guidance see § 86.098–30.

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

(b)(4)(ii) [Reserved]. For guidance see § 86.098–30.

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

(b)(4)(ii)(B)–(b)(4)(iv) [Reserved]. For guidance see § 86.098–30.

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

(f) For engine families required to have an emission control diagnostic system (an OBD system), certification will not be granted if, for any test vehicle approved by the Administrator in consultation with the manufacturer, the malfunction indicator light does

§ 86.101

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

not illuminate under any of the following circumstances, unless the manufacturer can demonstrate that any identified OBD problems discovered during the Administrator's evaluation will be corrected on production vehicles. Only paragraphs (f)(5) and (f)(6) of this section apply to diesel cycle vehicles and diesel cycle trucks where such vehicles and trucks are so equipped.

(1) A catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in an increase of 1.5 times the NMHC standard above the NMHC emission level measured using a representative 4000 mile catalyst system.

(2) An engine misfire condition is induced resulting in exhaust emissions exceeding 1.5 times the applicable standards for NMHC, CO or NO_x.

(3) Any oxygen sensor is replaced with a deteriorated or defective oxygen sensor, or an electronic simulation of such, resulting in exhaust emissions exceeding 1.5 times the applicable standard for NMHC, CO or NO_x.

(4) A vapor leak is introduced in the evaporative and/or refueling system (excluding the tubing and connections between the purge valve and the intake manifold) greater than or equal in magnitude to a leak caused by a 0.040 inch diameter orifice, or the evaporative purge air flow is blocked or otherwise eliminated from the complete evaporative emission control system.

(5) A malfunction condition is induced in any emission-related powertrain system or component, including but not necessarily limited to, the exhaust gas recirculation (EGR) system, if equipped, the secondary air system, if equipped, and the fuel control system, singularly resulting in exhaust emissions exceeding 1.5 times the applicable emission standard for NMHC, CO or NO_x.

(6) A malfunction condition is induced in an electronic emission-related powertrain system or component not otherwise described above that either provides input to or receives commands from the on-board computer resulting in a measurable impact on emissions.

[63 FR 70697, Dec. 22, 1998]

Subpart B—Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles and New Light-Duty Trucks and New Otto-Cycle Complete Heavy-Duty Vehicles; Test Procedures

SOURCE: 42 FR 32954, June 28, 1977, unless otherwise noted.

§ 86.101 General applicability.

(a) The provisions of this subpart are applicable to 1977 and later model year new light-duty vehicles and light duty trucks, and 2001 and later model year new Otto-cycle heavy-duty vehicles and engines certified under the provisions of subpart S of this part.

(1) Sections 86.101 through 86.145-78 apply for 1978 and later model years.

(2) [Reserved]

(3) Sections 86.150 through 86.157 describe the refueling test procedures for light-duty vehicles and light duty trucks and apply for model years 1998 and later. They also describe the refueling test procedures for 2004 and later model year Otto-cycle complete heavy-duty vehicles that must meet the ORVR standards under the provisions of subpart S of this part.

(4) For fuel economy testing according to part 600 of this chapter, in the model years of 2000 and 2001 only, manufacturers have the option to use the dynamometer provisions of § 86.108-00(b)(1) and § 86.129-00 (a), (b), and (c) instead of the provisions of § 86.108-00(b)(2) and § 86.129-00 (a), (e), and (f).

(b) Provisions of this subpart apply to tests performed by both the Administrator and motor vehicle manufacturers.

(c) *National Low Emission Vehicle Program for light-duty vehicles and light light-duty trucks.* A manufacturer may elect to certify 1999 and later model year light-duty vehicles and light light-duty trucks to the provisions of the National Low Emission Vehicle Program contained in subpart R of this part. Subpart R of this part is applicable only to those manufacturers that opt into the National Low Emission Vehicle Program, under the provisions of subpart R of this part, and that have not exercised a valid opt-out from the