

Environmental Protection Agency

§ 86.446-2006

avoid the impending violation, excluding those in § 86.446.

(b) To apply for an exemption, you must send the Designated Compliance Officer a written request as soon as possible before you are in violation. In your request, show that you meet all the conditions and requirements in paragraph (a) of this section.

(c) Include in your request a plan showing how you will meet all the applicable requirements as quickly as possible.

(d) You must give us other relevant information if we ask for it.

(e) We may include reasonable additional conditions on an approval granted under this section, including provisions to recover or otherwise address the lost environmental benefit or paying fees to offset any economic gain resulting from the exemption. For example, in the case of multiple tiers of emission standards, we may require that you meet the less stringent standards.

(f) Add a permanent, legible label, written in block letters in English, to a readily visible part of each motorcycle exempted under this section. This label must include at least the following items:

(1) The label heading "EMISSION CONTROL INFORMATION".

(2) Your corporate name and trademark.

(3) Engine displacement (in liters) and model year of the engine or whom to contact for further information.

(4) The statement "THIS MOTORCYCLE IS EXEMPT UNDER 40 CFR 86.445-2006 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS."

[69 FR 2437, Jan. 15, 2004]

§ 86.446-2006 What are the provisions for extending compliance deadlines for small-volume manufacturers under hardship?

(a) After considering the circumstances, the Director of the Office of Transportation and Air Quality may extend the compliance deadline for you to meet new or revised emission standards, as long as you meet all the conditions and requirements in this section.

(b) To be eligible for this exemption, you must qualify as a small-volume manufacturer under § 86.410-2006(e).

(c) To apply for an extension, you must send the Designated Compliance Officer a written request. In your request, show that all the following conditions and requirements apply:

(1) You have taken all possible business, technical, and economic steps to comply.

(i) In the case of importers, show that you attempted to find a manufacturer capable of supplying complying products as soon as you became aware of the applicable requirements, but were unable to do so.

(ii) For all other manufacturers, show that the burden of compliance costs prevents you from meeting the requirements of this chapter.

(2) Not having the exemption will jeopardize the solvency of your company.

(3) No other allowances are available under the regulations in this part to avoid the impending violation, excluding those in § 86.445.

(d) In describing the steps you have taken to comply under paragraph (c)(1) of this section, include at least the following information:

(1) Describe your business plan, showing the range of projects active or under consideration.

(2) Describe your current and projected financial standing, with and without the burden of complying fully with the regulations in this part.

(3) Describe your efforts to raise capital to comply with regulations in this part (this may not apply for importers).

(4) Identify the engineering and technical steps you have taken or plan to take to comply with the regulations in this part.

(5) Identify the level of compliance you can achieve. For example, you may be able to produce engines that meet a somewhat less stringent emission standard than the regulations require.

(e) Include in your request a plan showing how you will meet all the applicable requirements as quickly as possible.

(f) You must give us other relevant information if we ask for it.

(g) An authorized representative of your company must sign the request and include the statement: "All the information in this request is true and accurate, to the best of my knowledge."

(h) Send your request for this extension at least nine months before new standards apply. Do not send your request before the regulations in question apply to other manufacturers.

(i) We may include reasonable requirements on an approval granted under this section, including provisions to recover or otherwise address the lost environmental benefit. For example, we may require that you meet a less stringent emission standard or buy and use available emission credits.

(j) We will approve extensions of up to one year. We may review and revise an extension as reasonable under the circumstances.

(k) Add a permanent, legible label, written in block letters in English, to a readily visible part of each motorcycle exempted under this section. This label must include at least the following items:

(1) The label heading "EMISSION CONTROL INFORMATION".

(2) Your corporate name and trademark.

(3) Engine displacement (in liters) and model year of the motorcycle or whom to contact for further information.

(4) The statement "THIS MOTORCYCLE IS EXEMPT UNDER 40 CFR 86.446 FROM EMISSION STANDARDS AND RELATED REQUIREMENTS."

[69 FR 2437, Jan. 15, 2004]

§ 86.447-2006 What are the provisions for exempting motorcycles under 50 cc from the requirements of this part if they use engines certified under other programs?

(a) This section applies to you if you manufacture engines under 50 cc for installation in a highway motorcycle (that is, a motorcycle that is a motor vehicle). See § 86.448-2006 if you are not the engine manufacturer.

(b) The only requirements or prohibitions from this part that apply to a motorcycle that is exempt under this section are in this section and § 86.448-2006.

(c) If you meet all the following criteria regarding your new engine, it is exempt under this section:

(1) You must produce it under a valid certificate of conformity for one of the following types of engines or vehicles:

(i) Class II engines under 40 CFR part 90.

(ii) Recreational vehicles under 40 CFR part 1051.

(2) You must not make any changes to the certified engine that we could reasonably expect to increase its exhaust emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Change any other emission-related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine's specified ranges.

(3) You must make sure the engine has the emission label we require under 40 CFR part 90 or part 1051.

(4) You must make sure that fewer than 50 percent of the engine model's total sales, from all companies, are used in highway motorcycles.

(d) If you produce only the engine, give motorcycle manufacturers any necessary instructions regarding what they may or may not change under paragraph (c)(2) of this section. Upon request, send EPA a list of the motorcycle models you expect to be produced under this exemption in the model year (including motorcycles produced under § 86.448-2006), and the manufacturers of those motorcycles.

(e) If you produce both the engine and motorcycle under this exemption, you must do all of the following to keep the exemption valid:

(1) Make sure the original emission label is intact.

(2) Add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the vehicle. In your engine's emission label, do the following:

(i) Include the heading: "Highway Motorcycle Emission Control Information".

(ii) Include your full corporate name and trademark.