beginning January 1, 1995. Each operator shall keep such records until the five year anniversary of a rebuild or until the engine is rebuilt again, whichever occurs first.

(1) General records. The records required to be maintained under this paragraph shall consist of all purchase records, receipts, and part numbers for parts and components used in the rebuilding of urban bus engines.

(2) Individual records. A brief history of each urban bus subject to the rebuild provisions prescribed under this section including the records and documentation required to be maintained under §85.1403(f) of this subpart.

(3) Fuel purchase records. The records required under this paragraph consist of all purchase records of fuels for which the operator is claiming additional emission reductions under §85.1403(c)(2)(iii)(E), purchase records for fuel additives required for use with equipment, and purchase records for fuels, other than diesel fuel, which are used with dual-fueled engines.

§ 85.1406 Certification.

(a) Certification compliance shall be demonstrated as follows:

(1) Test procedure and emission results. The emission test to be used is the heavy-duty engine Federal Test Procedure as set forth in the applicable portions of part 86 of this chapter or an approved alternative test procedure prescribed under §85.1414. Certification emission testing must be carried out using representative production equipment as provided in paragraph (b) of this section. The test results must demonstrate that the retrofit/rebuild equipment will comply with either the particulate emission requirements of §§85.1403(b)(1)(i) or 85.1403(b)(2)(i), or provide some level of particulate emission reduction, and will not cause the urban bus engine to fail to meet any applicable Federal emission requirements set for that engine in the applicable portions of 40 CFR part 86, provided the equipment is properly installed.

(2) Emission test engine selection. (i) The test engine used must represent the “worst case” with respect to particulate emissions of all those engine configurations for which the retrofit/rebuild equipment is being certified. The worst case engine configuration shall be the engine configuration having the highest engine-out particulate matter emission levels, when properly maintained and used, prior to installation of the retrofit/rebuild equipment. EPA reserves the right to request data or information showing that the particulate emission reduction efficiency of the retrofit/rebuild equipment being certified under this paragraph, for use with more than one engine family, does not vary significantly among the engine families.

(ii) The results of certification tests using the worst case engine selections made in this section shall be applicable for the other engine configurations for equipment which is to be installed on or used with 1993 and earlier model year urban buses whose engines are rebuilt or replaced after January 1, 1995. For the purposes of §§85.1405 through 85.1414, “equipment” includes alternative fuels and fuel additives to be used with urban bus engines.
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§ 85.1407 Notification of intent to certify.

(a) Prior to the sale of any certified retrofit/rebuild equipment, notification of the intent to certify must be approved by the MOD Director.

(c) Test equipment selection. Certification shall be based upon tests utilizing representative production equipment selected in a random manner.

(d) Replacing original equipment parts. Installation of any certified retrofit/rebuild equipment shall not result in the permanent removal or rendering inoperative of any original equipment emission related part other than the part(s) being replaced. Furthermore, installation of any certified retrofit/rebuild equipment shall not cause or contribute to an unreasonable risk to the public health, welfare or safety, or result in any additional range of parameter adjustability or accessibility to adjustment than that of the vehicle manufacturer’s emission related part.

(e) Affects on engine on-board diagnostic system. Installation of any certified retrofit/rebuild equipment shall not alter or render inoperative any feature of the on-board diagnostic system incorporated by the engine manufacturer. The certified equipment may integrate with the existing diagnostic system if it does not alter or render inoperative any features of the system.

(D) In-use enforcement. (1) As a condition of certification, the equipment certifier agrees to notify operators who have installed this equipment and repair the equipment without cost to the operator when the Agency determines that a substantial number of the equipment kits, when properly maintained and used, and in actual use throughout the in-use compliance period, do not meet emission requirements.

(2) If the equipment certifier disagrees with such determination of non-conformity and so advises the MOD Director, the MOD Director shall afford the equipment certifier and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing conducted in accordance with procedures found in §85.1807. For purposes of this section, substitute the word “equipment” in place of the phrase “motor vehicles and engines.”

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