Emission credit = The positive or negative credit for each discrete fleet-average standard, in units of vehicle-grams per mile for NMOG+NOX and vehicle-grams per test for evaporative emissions.

Volume = Sales volume in a given model year from the collection of test groups or evaporative families covered by the fleet-average value, as described in §86.1860.

(b) The following restrictions apply instead of those specified in 40 CFR 1037.740:

(1) Except as specified in paragraph (b)(3) of this section, emission credits may be exchanged only within an averaging set, as follows:
   (i) HDV represent a separate averaging set with respect to all emission standards.
   (ii) LDV and LDT certified to standards based on a useful life of 150,000 miles and 15 years together represent a single averaging set with respect to NMOG+NOX emission standards. Note that FTP and SFTP credits are not interchangeable.
   (iii) LDV and LDT1 certified to standards based on a useful life of 120,000 miles and 10 years together represent a single averaging set with respect to NMOG+NOX emission standards. Note that FTP and SFTP credits are not interchangeable.
   (iv) The following separate averaging sets apply for evaporative emission standards:
      (A) LDV and LDT1 together represent a single averaging set.
      (B) LDT2 represents a single averaging set.
      (C) HLDT represents a single averaging set.
      (D) HDV represents a single averaging set.

(2) You may exchange evaporative emission credits across averaging sets as follows if you need additional credits to offset a deficit after the final year of maintaining deficit credits as allowed under paragraph (c) of this section:
   (i) You may exchange LDV/LDT1 and LDT2 emission credits.
   (ii) You may exchange HLDT and HDV emission credits.

(3) Except as specified in paragraph (b)(4) of this section, credits expire after five years. For example, credits you generate in model year 2018 may be used only through model year 2023.

(4) For the Tier 3 declining fleet-average FTP and SFTP emission standards for NMOG+NOX described in §86.1811-17(b)(8), credits generated in model years 2017 through 2024 expire after eight years, or after model year 2030, whichever comes first; however, these credits may not be traded after five years. This extended credit life also applies for small-volume manufacturers generating credits under §86.1811-17(h)(1) in model years 2022 through 2024. Note that the longer credit life does not apply for heavy-duty vehicles, for vehicles certified under the alternate phase-in described in §86.1811-17(b)(9), or for vehicles generating early Tier 3 credits under §86.1811-17(b)(11) in model year 2017.

(c) The credit-deficit provisions 40 CFR 1037.745 apply to the NMOG+NOX and evaporative emission standards for Tier 3 vehicles.

(d) The reporting and recordkeeping provisions of §86.1862 apply instead of those specified in 40 CFR 1037.730 and 1037.735.

(e) The provisions of 40 CFR 1037.645 do not apply.

[79 FR 23735, Apr. 28, 2014]

§ 86.1862-04 Maintenance of records and submittal of information relevant to compliance with fleet-average standards.

(a) Overview. This section describes reporting and recordkeeping requirements for vehicles subject to the following standards:

(1) Tier 2 NOX emission standard for LDV and LDT in §86.1811-04.
(2) Tier 3 FTP emission standard for NMOG+NOX for LDV and LDT in §86.1811.
(3) Tier 3 SFTP emission standard for NMOG+NOX for LDV and LDT (including MDPV) in §86.1811.
(4) Tier 3 evaporative emission standards in §86.1813.
(5) Tier 3 FTP emission standard for NMOG+NOX for HDV (other than MDPV) in §86.1816.
(6) Cold temperature NMHC standards in §86.1811.

(b) Maintenance of records. (1) The manufacturer producing any vehicles subject to a fleet-average standard under this subpart must establish and maintain all the following information
in organized and indexed records for each model year:
(i) Model year.
(ii) Applicable fleet-average standard.
(iii) Calculated fleet-average value.
(iv) All values used in calculating the fleet-average value achieved.

(2) The manufacturer producing any vehicle subject to the provisions in this section must keep all the following information for each vehicle:
(i) Model year.
(ii) Applicable fleet-average standard.
(iii) EPA test group or evaporative family, as applicable.
(iv) Assembly plant.
(v) Vehicle identification number.
(vi) The FEL and the fleet-average standard to which the vehicle is certified.
(vii) Information on the point of first sale, including the purchaser, city, and state.

(3) The manufacturer must retain all records required to be maintained under this section for a period of eight years from the due date for the annual report. Records may be stored in any format and on any media, as long as manufacturers can promptly send EPA organized written records in English if we ask for them. Manufacturers must keep records readily available as EPA may review them at any time.

(4) The Administrator may require the manufacturer to retain additional records or submit information not specifically required by this section.

(5) EPA may void ab initio a certificate of conformity for a vehicle certified to emission standards as set forth or otherwise referenced in this subpart for which the manufacturer fails to retain the records required in this section, to provide such information to the Administrator upon request, or to submit the reports required in this section in the specified time period.

(c) Reporting. (1) Each manufacturer must submit an annual report. Except as provided in paragraph (b)(2) of this section, the annual report must contain, for each applicable fleet average standard, the fleet average value achieved, all values required to calculate the fleet-average value, the number of credits generated or debits incurred, all the values required to calculate the credits or debits, and sufficient information to show compliance with all phase-in requirements, if applicable. The annual report must also contain the resulting balance of credits or debits.

(2) When a manufacturer calculates compliance with the fleet-average standard using the provisions in §86.1860–04(c)(2) or §86.1860–17(f), the annual report must state that the manufacturer has elected to use such provision and must contain the fleet-average standard as the fleet-average value for that model year.

(3) For each applicable fleet-average standard, the annual report must also include documentation on all credit transactions the manufacturer has engaged in since those included in the last report. Information for each transaction must include all the following information:
(i) Name of credit provider.
(ii) Name of credit recipient.
(iii) Date the transfer occurred.
(iv) Quantity of credits transferred.
(v) Model year in which the credits were earned.

(4) Unless a manufacturer reports the data required by this section in the annual production report required under §86.1844–01(e) and subsequent model year provisions, a manufacturer must submit an annual report for each model year after production ends for all affected vehicles produced by the manufacturer subject to the provisions of this subpart and no later than May 1 of the calendar year following the given model year. Annual reports must be submitted to: Director, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105.

(5) Failure by a manufacturer to submit the annual report in the specified time period for all vehicles subject to the provisions in this section is a violation of Clean Air Act section 203(a)(1) (42 U.S.C 7522(a)(1)) for each subject vehicle produced by that manufacturer.

(6) If EPA or the manufacturer determines that a reporting error occurred on an annual report previously submitted to EPA, the manufacturer’s
credit or debit calculations will be recalculated. EPA may void erroneous credits, unless transferred, and must adjust erroneous debits. In the case of transferred erroneous credits, EPA must adjust the selling manufacturer’s credit or debit balance to reflect the sale of such credits and any resulting generation of debits.

(d) Notice of opportunity for hearing. Any voiding of the certificate under paragraph (a)(6) of this section will be made only after EPA has offered the manufacturer concerned an opportunity for a hearing conducted in accordance with §86.614 for light-duty vehicles and light-duty trucks and with 40 CFR part 1068, subpart G, for heavy-duty vehicles.

(79 FR 23735, Apr. 28, 2014)

§ 86.1863–07 Optional chassis certification for diesel vehicles.

This section does not apply for vehicles certified to the Tier 3 standards in §86.1816–18, including those vehicles that certify to the Tier 3 standards before model year 2018.

(a) A manufacturer may optionally certify heavy-duty diesel vehicles 14,000 pounds GVWR or less to the standards specified in §86.1816. Such vehicles must meet all the requirements of this subpart S that are applicable to Otto-cycle vehicles, except for evaporative, refueling, and OBD requirements where the diesel-specific OBD requirements would apply.

(b) For OBD, diesel vehicles optionally certified under this section are subject to the OBD requirements of §86.1806.

(c) Diesel vehicles certified under this section may be tested using the test fuels, sampling systems, or analytical systems specified for diesel engines in subpart N of this part or in 40 CFR part 1065.

(d) Diesel vehicles optionally certified under this section may not be included in any averaging, banking, or trading program for criteria emissions under this part.

(e) The provisions of §86.004–40 apply to the engines in vehicles certified under this section.

(f) Diesel vehicles may be certified under this section to the standards applicable to model year 2008 in earlier model years.

(g) Diesel vehicles optionally certified under this section in model years 2007, 2008, or 2009 shall be included in phase-in calculations specified in §86.007–11(g).

(h) Diesel vehicles subject to the standards of 40 CFR 1037.104 are subject to the provisions of this subpart as specified in 40 CFR 1037.104.


§ 86.1864–10 How to comply with the fleet average cold temperature NMHC standards.

(a) Applicability. Cold temperature NMHC exhaust emission standards apply to the following vehicles, subject to the phase-in requirements in §86.1811–10(g)(3) and (4):

(1) 2010 and later model year LDV/LLDTs.

(2) 2012 and later model year HLDT/MDPVs.

(3) [Reserved]

(4) Vehicles imported by ICIs as defined in 40 CFR 85.1502.

(b) Useful life requirements. Full useful life requirements for cold temperature NMHC standards are defined in §86.1805–04(g). There is not an intermediate useful life standard for cold temperature NMHC standards.

(c) Altitude. Altitude requirements for cold temperature NMHC standards are provided in §86.1810–09(t).

(d) Small volume manufacturer certification procedures. Certification procedures for small volume manufacturers are provided in §86.1838–01.

(e) Cold temperature NMHC standards. Fleet average cold temperature NMHC standards are provided in §86.1811–10(g)(2).

(f) Phase-in. Phase-in of the cold temperature NMHC standards are provided in §86.1811–10(g)(3) and (4).

(g) Phase-in flexibilities for small volume manufacturers. Phase-in flexibilities for small volume manufacturer compliance with the cold temperature