
40 C.F.R. § 86.1370

Not-To-Exceed test procedures.

(a) *General.* The purpose of this test procedure is to measure in-use emissions of heavy-duty diesel engines while operating within a broad range of speed and load points (the Not-To-Exceed Control Area) and under conditions which can reasonably be expected to be encountered in normal vehicle operation and use. Emission results from this test procedure are to be compared to the Not-To-Exceed Limits specified in § 86.007-11(a)(4), or to later Not-To-Exceed Limits. The Not-To-Exceed Limits do not apply for engine-starting conditions. Tests conducted using the procedures specified in this subpart are considered valid Not-To-Exceed tests (Note: duty cycles and limits on ambient conditions do not apply for Not-To-Exceed tests).

(b) *Not-to-exceed control area for diesel heavy-duty engines.* The Not-To-Exceed Control Area for diesel heavy-duty engines consists of the following engine speed and load points:

(1) All operating speeds greater than the speed calculated using the following formula, where n_{hi} and n_{lo} are determined according to the provisions in § 86.1360(c):

$$n_{lo} + 0.15 \times (n_{hi} - n_{lo})$$

(2) All engine load points greater than or equal to 30% or more of the maximum torque value produced by the engine.

(3) Notwithstanding the provisions of paragraphs (b)(1) and (2) of this section, all operating speed and load points with brake specific fuel consumption (BSFC) values within 5% of the minimum BSFC value of the engine. For the purposes of this requirement, BSFC must be calculated under the general test cell conditions specified in 40 CFR part 1065. The manufacturer may petition the Administrator at certification to exclude such points if the manufacturer can demonstrate that the engine is not expected to operate at such points in normal vehicle operation and use. Engines equipped with drivelines with multi-speed manual transmissions or automatic transmissions with a finite number of gears are not subject to the requirements of this paragraph (b)(3).

(4) Notwithstanding the provisions of paragraphs (b)(1) through (b)(3) of this section, speed and load points below 30% of the maximum power value produced by the engine shall be excluded from the Not-To-Exceed Control Area for all emissions.

(5) [Reserved]

(6)

(i) For petroleum-fueled diesel cycle engines, the manufacturer may identify particular engine-vehicle combinations and may petition the Administrator at certification to exclude operating points from the Not-to-Exceed Control Area defined in paragraphs (b)(1) through (5) of this section if the manufacturer can demonstrate that the engine is not capable of operating at such points when used in the specified engine-vehicle

combination(s).

(ii) For diesel cycle engines that are not petroleum-fueled, the manufacturer may petition the Administrator at certification to exclude operating points from the Not-to-Exceed Control Area defined in paragraphs (b)(1) through (5) of this section if the manufacturer can demonstrate that the engine is not expected to operate at such points in normal vehicle operation and use.

(7) Manufacturers may petition the Administrator to limit NTE testing in a single defined region of speeds and loads. Such a defined region must generally be of elliptical or rectangular shape, and must share some portion of its boundary with the outside limits of the NTE zone. Under this provision testing would not be allowed with sampling periods in which operation within that region constitutes more than 5.0 percent of the time-weighted operation within the sampling period. Approval of this limit by the Administrator is contingent on the manufacturer satisfactorily demonstrating that operation at the speeds and loads within that region accounts for less than 5.0 percent of all in-use operation (weighted by vehicle-miles-traveled or other EPA-approved weightings) for the in-use engines of that configuration (or sufficiently similar engines). At a minimum, this demonstration must include operational data from representative in-use vehicles.

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