

February 15, 2000

Subject: Guidance Regarding Re-certification Under The Urban Bus Rebuild Program

Dear Equipment Certifier:

This letter provides guidance to equipment manufacturers (certifiers) regarding notification of the Environmental Protection Agency (EPA) when modifications are made to equipment certified under the Urban Bus Rebuild Requirements (40 CFR Part 85 Subpart O). Section 85.1410 of this regulation, "Changes after certification," states:

"The equipment certifier shall recertify any retrofit/rebuild equipment which was certified pursuant to §85.1406 and to which modifications are made [that] affect emissions or the capability of the equipment to meet any other requirement of this subpart."

We emphasize that the determination of whether modifications affect either the emissions or the capability of the equipment to meet any other requirement of this regulation, is based on EPA's judgement. Therefore, equipment certifiers are expected to notify EPA in writing prior to any and all modifications made to certified equipment after the initial application for certification. This includes, but is not limited to, any modification related to any parameter that affects emissions performance or any other capability of the equipment to meet any other requirement of this regulation. Equipment certifiers not doing so risk decertification under §85.1413. Under §85.1413, EPA is authorized to decertify equipment for a wide range of reasons, including:

"(iv) The equipment has been modified in a manner requiring re-certification pursuant to §85.1410."

Therefore, equipment certifiers should fully inform EPA in writing prior to making any such modification to certified equipment. Notification should be sent to:

U.S. Environmental Protection Agency
Certification and Compliance Division
Urban Bus Rebuild Team (6403J)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

If EPA determines that a modification can be made under the existing certification, then re-certification will not be necessary. If EPA determines that re-certification is necessary, then the equipment modification must go through the certification process, prior to being sold, in accordance with §85.1406 and §85.1407.

If you have questions regarding this guidance, please telephone either Anthony Erb at (202) 564-9297 (erb.anthony@epa.gov) or William Rutledge at (202) 564-9297 (rutledge.william@epa.gov).

Sincerely,

Robert F. Montgomery, Manager
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Certification and Compliance Division