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(7) Procedures for hearings.

(c) Other parts of this chapter apply if referenced in this part.

[69 FR 39213, June 29, 2004, as amended at 75 FR 22988, Apr. 30, 2010]

§ 1039.20 What requirements from this part apply to excluded stationary engines?

The provisions of this section apply for engines built on or after January 1, 2006.

(a) You must add a permanent label or tag to each new engine you produce or import that is excluded under § 1039.1(c) as a stationary engine and is not required by 40 CFR part 60, subpart IIII, to meet the requirements of this part 1039, or the requirements of parts 89 or 94, that are equivalent to the requirements applicable to nonroad or marine engines for the same model year. To meet labeling requirements, you must do the following things:

(1) Attach the label or tag in one piece so no one can remove it without destroying or defacing it.

(2) Secure it to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Make sure it is durable and readable for the engine's entire life.

(4) Write it in English.

(5) Follow the requirements in § 1039.135(g) regarding duplicate labels if the engine label is obscured in the final installation.

(b) Engine labels or tags required under this section must have the following information:

(1) Include the heading "EMISSION CONTROL INFORMATION."

(2) Include your full corporate name and trademark. You may instead include the fill corporate name and trademark of another company you choose to designate.

(3) State the engine displacement (in liters) and maximum engine power (or in the case of fire pumps, NFPA nameplate engine power).

(4) State: "THIS ENGINE IS EXEMPTED FROM THE REQUIREMENTS OF 40 CFR PARTS 89 AND 1039 AS A "STATIONARY ENGINE." INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY."

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(c) Stationary engines required by 40 CFR part 60, subpart IIII, to meet the requirements of this part 1039, or parts 89 or 94, must meet the labeling requirements of 40 CFR 60.4210.

[69 FR 39213, June 29, 2004, as amended at 71 FR 39185, July 11, 2006]

§ 1039.30 Submission of information.

(a) This part includes various requirements to record data or other information. Refer to § 1039.825 and 40 CFR 1068.25 regarding recordkeeping requirements. Unless we specify otherwise, store these records in any format and on any media and keep them readily available for one year after you send an associated application for certification, or one year after you generate the data if they do not support an application for certification. You must promptly send us organized, written records in English if we ask for them. We may review them at any time.

(b) The regulations in § 1039.255 and 40 CFR 1068.101 describe your obligation to report truthful and complete information and the consequences of failing to meet this obligation. This includes information not related to certification.

(c) Send all reports and requests for approval to the Designated Compliance Officer (*see* § 1039.801).

(d) Any written information we require you to send to or receive from another company is deemed to be a required record under this section. Such records are also deemed to be submissions to EPA. We may require you to send us these records whether or not you are a certificate holder.

[75 FR 22988, Apr. 30, 2010]

Subpart B—Emission Standards and Related Requirements

§ 1039.101 What exhaust emission standards must my engines meet after the 2014 model year?

The exhaust emission standards of this section apply after the 2014 model year. Certain of these standards also apply for model year 2014 and earlier. This section presents the full set of emission standards that apply after all the transition and phase-in provisions of § 1039.102 and § 1039.104 expire. See

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§1039.102 and 40 CFR 89.112 for exhaust emission standards that apply to 2014 and earlier model years. Section 1039.105 specifies smoke standards.

(a) *Emission standards for transient testing.* Transient exhaust emissions from your engines may not exceed the applicable emission standards in Table 1 of this section. Measure emissions using the applicable transient test procedures described in subpart F of this part. The following engines are not

subject to the transient standards in this paragraph (a):

- (1) Engines above 560 kW.
- (2) Constant-speed engines.

(b) *Emission standards for steady-state testing.* Steady-state exhaust emissions from your engines may not exceed the applicable emission standards in Table 1 of this section. Measure emissions using the applicable steady-state test procedures described in subpart F of this part.

TABLE 1 OF § 1039.101—TIER 4 EXHAUST EMISSION STANDARDS AFTER THE 2014 MODEL YEAR, G/ KW-HR ¹

Maximum engine power	Application	PM	NO _x	NMHC	NO _x +NMHC	CO
kW < 19	All	≥ 0.40			7.5	³6.6
19 ≤ kW < 56	All	0.03			4.7	⁴5.0
56 ≤ kW < 130	All	0.02	0.40	0.19		5.0
130 ≤ kW ≤ 560	All	0.02	0.40	0.19		3.5
	Generator sets	0.03	0.67	0.19		3.5
kW > 560	All except generator sets	0.04	3.5	0.19		3.5

¹Note that some of these standards also apply for 2014 and earlier model years. This table presents the full set of emission standards that apply after all the transition and phase-in provisions of § 1039.102 expire.

²See paragraph (c) of this section for provisions related to an optional PM standard for certain engines below 8 kW.

³The CO standard is 8.0 g/kW-hr for engines below 8 kW.

⁴The CO standard is 5.5 g/kW-hr for engines below 37 kW.

(c) *Optional PM standard for engines below 8 kW.* You may certify hand-startable, air-cooled, direct injection engines below 8 kW to an optional Tier 4 PM standard of 0.60 g/kW-hr. The term hand-startable generally refers to engines that are started using a hand crank or pull cord. This PM standard applies to both steady-state and transient testing, as described in paragraphs (a) and (b) of this section. Engines certified under this paragraph (c) may not be used to generate PM or NO_x+NMHC emission credits under the provisions of subpart H of this part. These engines may use PM or NO_x+NMHC emission credits, subject to the FEL caps in paragraph (d)(1) of this section.

(d) *Averaging, banking, and trading.* You may generate or use emission

credits under the averaging, banking, and trading (ABT) program, as described in subpart H of this part. This requires that you specify a family emission limit (FEL) for each pollutant you include in the ABT program for each engine family. These FELs serve as the emission standards for the engine family with respect to all required testing instead of the standards specified in paragraphs (a) and (b) of this section. The FELs determine the not-to-exceed standards for your engine family, as specified in paragraph (e) of this section.

(1) *Primary FEL caps.* The FEL may not be higher than the limits in Table 2 of this section, except as allowed by paragraph (d)(2) of this section or by §1039.102:

TABLE 2 OF § 1039.101—TIER 4 FEL CAPS AFTER THE 2014 MODEL YEAR, G/KW-HR

Maximum engine power	Application	PM	NO _x	NO _x +NMHC
kW < 19	All	0.80		¹9.5
19 ≤ kW < 56	All	0.05		7.5
56 ≤ kW < 130	All	0.04	0.80	
130 ≤ kW ≤ 560	All	0.04	0.80	
	Generator sets	0.05	1.07	
kW > 560	All except generator sets	0.07	6.2	

¹For engines below 8 kW, the FEL cap is 10.5 g/kW-hr for NO_x+NMHC emissions.

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(2) *Alternate FEL caps.* For a given power category, you may use the alternate FEL caps shown in Table 3 of this section instead of the FEL caps identi-

fied in paragraph (d)(1) of this section for up to 5 percent of your U.S.-directed production volume in a given model year.

TABLE 3 OF § 1039.101—ALTERNATE FEL CAPS, G/KW-HR

Maximum engine power	Starting model year ¹	PM FEL cap	NO _x FEL cap
19 ≤ kW < 56	² 2016	0.30
56 ≤ kW < 130	2016	³ 0.30	³ 3.8
130 ≤ kW ≤ 560	2015	0.20	3.8
kW > 560	2019	0.10	⁴ 3.5

¹ See § 1039.104(g) for alternate FEL caps that apply in earlier model years.
² For manufacturers certifying engines under Option #1 of Table 3 of § 1039.102, these alternate FEL caps apply starting with the 2017 model year.
³ For engines below 75 kW, the FEL caps are 0.40 g/kW-hr for PM emissions and 4.4 g/kW-hr for NO_x emissions.
⁴ For engines above 560 kW, the provision for alternate NO_x FEL caps is limited to generator-set engines. For example, if you produce 1,000 generator-set engines above 560 kW in a given model year, up to 50 of them may be certified to the alternate NO_x FEL caps.

(e) *Not-to-exceed standards.* Exhaust emissions from your engines may not exceed the applicable not-to-exceed (NTE) standards in this paragraph (e).

$$\text{NTE standard for each pollutant} = (\text{STD}) \times (\text{M})$$

(1) Measure emissions using the procedures described in subpart F of this part.

Where:
 STD = The standard specified for that pollutant in Table 1 of this section (or paragraph (c) of this section) if you certify without using ABT for that pollutant; or the FEL for that pollutant if you certify using ABT.
 M = The NTE multiplier for that pollutant, as defined in paragraph (e)(3) of this section.

(2) Except as noted in paragraph (e)(7) of this section, the NTE standard, rounded to the same number of decimal places as the applicable standard in Table 1 of this section, is determined from the following equation:

(3) The NTE multiplier for each pollutant is 1.25, except in the following cases:

If . . .	Or . . .	Then . . .
(i) The engine family is certified to a NO _x standard less than 2.50 g/kW-hr without using ABT.	The engine family is certified to a NO _x FEL less than 2.50 g/kW-hr or a NO _x +NMHC FEL less than 2.70 g/kW-hr.	The multiplier for NO _x , NMHC, and NO _x +NMHC is 1.50.
(ii) The engine family is certified to a PM standard less than 0.07 g/kW-hr without using ABT.	The engine family is certified to a PM FEL less than 0.07 g/kW-hr.	The multiplier for PM is 1.50.

(4) There are two sets of specifications of ambient operating regions that will apply for all NTE testing of engines in an engine family. You must choose one set for each engine family and must identify your choice of ambient operating regions in each application for certification for an engine family. You may choose separately for each engine family. Choose one of the following ambient operating regions:

(ii) All altitudes less than or equal to 5,500 feet above sea level, for temperatures less than or equal to the temperature determined by the following equation at the specified altitude:

$$T = -0.00254 \times A + 100$$

Where:
 T = ambient air temperature in degrees Fahrenheit.
 A = altitude in feet above sea level (A is negative for altitudes below sea level).

(i) All altitudes less than or equal to 5,500 feet above sea level during all ambient temperature and humidity conditions.

(5) Temperature and humidity ranges for which correction factors are allowed are specified in 40 CFR 86.1370-2007(e).

(i) If you choose the ambient operating region specified in paragraph (e)(4)(i) of this section, the temperature and humidity ranges for which correction factors are allowed are defined in 40 CFR 86.1370–2007(e)(1).

(ii) If you choose the ambient operating region specified in paragraph (e)(4)(ii) of this section, the temperature and humidity ranges for which correction factors are allowed are defined in 40 CFR 86.1370–2007(e)(2).

(6) For engines equipped with exhaust-gas recirculation, the NTE standards of this section do not apply during the cold operating conditions specified in 40 CFR 86.1370–2007(f).

(7) For engines certified to a PM FEL less than or equal to 0.01 g/kW-hr, the PM NTE standard is 0.02 g/kW-hr.

(f) *Fuel types.* The exhaust emission standards in this section apply for en-

gines using the fuel type on which the engines in the engine family are designed to operate, except for engines certified under §1039.615. For engines certified under §1039.615, the standards of this section apply to emissions measured using the specified test fuel. You must meet the numerical emission standards for NMHC in this section based on the following types of hydrocarbon emissions for engines powered by the following fuels:

(1) Alcohol-fueled engines: THCE emissions.

(2) Other engines: NMHC emissions.

(g) *Useful life.* Your engines must meet the exhaust emission standards in paragraphs (a) through (e) of this section over their full useful life.

(1) The useful life values are shown in the following table, except as allowed by paragraph (g)(2) of this section:

TABLE 4 OF § 1039.101—USEFUL LIFE VALUES

If your engine is certified as . . .	And its maximum power is . . .	And its rated speed is . . .	Then its useful life is . . .
(i) Variable speed or constant speed.	kW <19	Any Speed	3,000 hours or five years, whichever comes first.
(ii) Constant speed	19 ≤ kW <37	3,000 rpm or higher	3,000 hours or five years, whichever comes first.
(iii) Constant speed	19 ≤ kW <37	Less than 3,000 rpm	5,000 hours or seven years, whichever comes first.
(iv) Variable	19 ≤ kW <37	Any Speed	5,000 hours or seven years, whichever comes first.
(v) Variable speed or constant speed.	kW ≥37	Any speed	8,000 hours or ten years, whichever comes first.

(2) You may request in your application for certification that we approve a shorter useful life for an engine family. We may approve a shorter useful life, in hours of engine operation but not in years, if we determine that these engines will rarely operate longer than the shorter useful life. If engines identical to those in the engine family have already been produced and are in use, your demonstration must include documentation from such in-use engines. In other cases, your demonstration must include an engineering analysis of information equivalent to such in-use data, such as data from research engines or similar engine models that are already in production. Your demonstration must also include any overhaul interval that you recommend, any mechanical warranty that you offer for the engine or its components, and any

relevant customer design specifications. Your demonstration may include any other relevant information. The useful life value may not be shorter than any of the following:

(i) 1,000 hours of operation.

(ii) Your recommended overhaul interval.

(iii) Your mechanical warranty for the engine.

(h) *Applicability for testing.* The emission standards in this subpart apply to all testing, including certification, selective enforcement audits, and in-use testing. For selective enforcement audits, we will require you to perform duty-cycle testing as specified in §§1039.505 and 1039.510. The NTE standards of this section apply for those

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tests. We will not direct you to do additional testing under a selective enforcement audit to show that your engines meet the NTE standards.

[69 FR 39213, June 29, 2004, as amended at 70 FR 40462, July 13, 2005]

§ 1039.102 What exhaust emission standards and phase-in allowances apply for my engines in model year 2014 and earlier?

The exhaust emission standards of this section apply for 2014 and earlier model years. See §1039.101 for exhaust emission standards that apply to later model years. See 40 CFR 89.112 for exhaust emission standards that apply to model years before the standards of this part 1039 take effect.

(a) *Emission standards for transient testing.* Transient exhaust emissions from your engines may not exceed the applicable emission standards in Tables 1 through 6 of this section. Measure emissions using the applicable transient test procedures described in subpart F of this part. See paragraph (c) of this section for a description of provisions related to the phase-in and phase-out standards shown in Tables 4 through 6 of this section. The emission standards for transient testing are limited for certain engines, as follows:

(1) The transient standards in this section do not apply for the following engines:

(i) Engines below 37 kW for model years before 2013.

(ii) Engines certified under Option #1 of Table 3 of this section. These are the small-volume manufacturer engines certified to the Option #1 standards for model years 2008 through 2015 under

§1039.104(c), and other engines certified to the Option #1 standards for model years 2008 through 2012.

(iii) Engines certified to an alternate FEL during the first four years of the Tier 4 standards for the applicable power category, as allowed in §1039.104(g). However, you may certify these engines to the transient standards in this section to avoid using temporary compliance adjustment factors, as described in §1039.104(g)(2). Note that in some cases this four-year period extends into the time covered by the standards in §1039.101.

(iv) Constant-speed engines.

(v) Engines above 560 kW.

(2) The transient standards in this section for gaseous pollutants do not apply to phase-out engines that you certify to the same numerical standards (and FELs if the engines are certified using ABT) for gaseous pollutants as you certified under the Tier 3 requirements of 40 CFR part 89. However, except as specified by paragraph (a)(1) of this section, the transient PM emission standards apply to these engines.

(b) Emission standards for steady-state testing. Steady-state exhaust emissions from your engines may not exceed the applicable emission standards in Tables 1 through 7 of this section. Measure emissions using the applicable steady-state test procedures described in subpart F of this part. See paragraph (c) of this section for a description of provisions related to the phase-in and phase-out standards shown in Tables 4 through 6 of this section.

TABLE 1 OF § 1039.102—TIER 4 EXHAUST EMISSION STANDARDS (G/KW-HR): kW < 19

Maximum engine power	Model years	PM	NO _x + NMHC	CO
kW < 8	2008–2014	¹ 0.40	7.5	8.0
8 ≤ kW < 19	2008–2014	0.40	7.5	6.6

¹For engines that qualify for the special provisions in § 1039.101(c), you may delay certifying to the standards in this part 1039 until 2010. In 2009 and earlier model years, these engines must instead meet the applicable Tier 2 standards and other requirements from 40 CFR part 89. Starting in 2010, these engines must meet a PM standard of 0.60 g/kW-hr, as described in § 1039.101(c). Engines certified to the 0.60 g/kWhr PM standard may not generate ABT credits.

TABLE 2 OF § 1039.102—INTERIM TIER 4 EXHAUST EMISSION STANDARDS (G/KW-HR): 19 ≤ kW < 37

Model years	PM	NO _x + NMHC	CO
2008–2012	0.30	7.5	5.5
2013–2014	0.03	4.7	5.5