

**§ 1042.845**

**40 CFR Ch. I (7-1-10 Edition)**

manufacturer of the engine and provide to us any documentation provided to you by the original manufacturer.

**§ 1042.845 Remanufactured engine families.**

(a) For purposes of certification, divide your product line into families of engines that are expected to have similar emission characteristics throughout the useful life as described in this section. You may not group Category 1 and Category 2 engines in the same family.

(b) In general, group engines in the same engine family if they are the same in all the following aspects:

(1) The combustion cycle and fuel (the fuels with which the engine is intended or designed to be operated).

(2) The cooling system (for example, raw-water vs. separate-circuit cooling).

(3) Method of air aspiration.

(4) Method of exhaust aftertreatment (for example, catalytic converter or particulate trap).

(5) Combustion chamber design.

(6) Nominal bore and stroke.

(7) Method of control for engine operation other than governing (i.e., mechanical or electronic).

(8) Original engine manufacturer.

(c) Alternatively, you may ask us to allow you to include other engine configurations in your engine family, consistent with good engineering judgment.

(d) Do not include in your family any configurations for which good engineering judgment indicates that your emission controls are unlikely to provide PM emission reductions similar to the configuration(s) tested.

**§ 1042.850 Exemptions and hardship relief.**

This section describes exemption and hardship provisions that are available for owner/operators of engine subject to the provisions of this subpart.

(a) Vessels owned and operated by entities that meet the size criterion of this paragraph (a) are exempt from the requirements of this subpart I. To be exempt, your gross annual revenue for the calendar year before the remanufacture must be less than \$5,000,000 in 2008 dollars or the equivalent value for future years based on the Bureau of

Labor Statistics' Producer Price Index (see *www.bls.gov*). Include all revenues from any parent company and its subsidiaries. The exemption applies only for years in which you meet this criterion.

(b) In unusual circumstances, we may exempt you from an otherwise applicable requirement that you apply a certified remanufacturing system when remanufacturing your marine engine.

(1) To be eligible, you must demonstrate that all of the following are true:

(i) Unusual circumstances prevent you from meeting requirements from this chapter.

(ii) You have taken all reasonable steps to minimize the extent of the nonconformity.

(iii) Not having the exemption will jeopardize the solvency of your company.

(iv) No other allowances are available under the regulations in this chapter to avoid the impending violation.

(2) Send the Designated Compliance Officer a written request for an exemption before you are in violation.

(3) We may impose other conditions, including provisions to use an engine meeting less stringent emission standards or to recover the lost environmental benefit.

(4) In determining whether to grant the exemptions, we will consider all relevant factors, including the following:

(i) The number of engines to be exempted.

(ii) The size of your company and your ability to endure the hardship.

(iii) The length of time a vessel is expected to remain in service.

(c) If you believe that a remanufacturing system that we identified as being available cannot be installed without significant modification of your vessel, you may ask us to determine that a remanufacturing system is not considered available for your vessel because the cost would exceed the total marginal cost threshold in § 1042.815(a)(2).

(d) Other exemptions specified in subpart G of this part and 40 CFR part 1068, subparts C and D also apply to remanufactured engines. For example,