

device in the path with the greatest exhaust flow.

(ii) *Oxidizing aftertreatment minimum temperature.* For an engine equipped with an oxidizing catalytic aftertreatment system, exclude HC, CO, and PM emission data that is collected when the exhaust temperature is less than 250 °C, as measured within 30 cm downstream of the last oxidizing aftertreatment device. Where there are parallel paths, measure the temperature 30 cm downstream of the last oxidizing aftertreatment device in the path with the greatest exhaust flow.

(iii) *Other parameters.* You may request our approval for other minimum or maximum ambient or engine parameter limit values at the time of certification.

(g) For engines equipped with emission controls that include discrete regeneration events, if a regeneration event occurs during the NTE test, the averaging period must be at least as long as the time between the events multiplied by the number of full regeneration events within the sampling period. This requirement applies only for engines that send an electronic signal indicating the start of the regeneration event.

§ 1042.520 What testing must I perform to establish deterioration factors?

Sections 1042.240 and 1042.245 describe the required methods for testing to establish deterioration factors for an engine family.

§ 1042.525 How do I adjust emission levels to account for infrequently regenerating aftertreatment devices?

This section describes how to adjust emission results from engines using aftertreatment technology with infrequent regeneration events. See paragraph (e) of this section for how to adjust ramped-modal testing. See paragraph (f) of this section for how to adjust discrete-mode testing. For this section, “regeneration” means an intended event during which emission levels change while the system restores aftertreatment performance. For example, exhaust gas temperatures may increase temporarily to remove sulfur from adsorbers or to oxidize accumu-

lated particulate matter in a trap. For this section, “infrequent” refers to regeneration events that are expected to occur on average less than once over the applicable transient duty cycle or ramped-modal cycle, or on average less than once per typical mode in a discrete-mode test.

(a) *Developing adjustment factors.* Develop an upward adjustment factor and a downward adjustment factor for each pollutant based on measured emission data and observed regeneration frequency. Adjustment factors should generally apply to an entire engine family, but you may develop separate adjustment factors for different engine configurations within an engine family. If you use adjustment factors for certification, you must identify the frequency factor, F, from paragraph (b) of this section in your application for certification and use the adjustment factors in all testing for that engine family. You may use carryover or carry-across data to establish adjustment factors for an engine family, as described in §1042.235(d), consistent with good engineering judgment. All adjustment factors for regeneration are additive. Determine adjustment factors separately for different test segments. For example, determine separate adjustment factors for different modes of a discrete-mode steady-state test. You may use either of the following different approaches for engines that use aftertreatment with infrequent regeneration events:

(1) You may disregard this section if regeneration does not significantly affect emission levels for an engine family (or configuration) or if it is not practical to identify when regeneration occurs. If you do not use adjustment factors under this section, your engines must meet emission standards for all testing, without regard to regeneration.

(2) If your engines use aftertreatment technology with extremely infrequent regeneration and you are unable to apply the provisions of this section, you may ask us to approve an alternate methodology to account for regeneration events.

(b) *Calculating average adjustment factors.* Calculate the average adjustment

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factor (EF_A) based on the following equation:

$$EF_A = (F)(EF_H) + (1 - F)(EF_L)$$

Where:

F = The frequency of the regeneration event during normal in-use operation, expressed in terms of the fraction of equivalent tests during which the regeneration occurs. You may determine F from in-use operating data or running replicate tests. For example, if you observe that the regeneration occurs 125 times during 1,000 MW-hrs of operation, and your engine typically accumulates 1 MW-hr per test, F would be $(125) \div (1,000) \div (1) = 0.125$. No further adjustments, including weighting factors, may be applied to F .

EF_H = Measured emissions from a test segment in which the regeneration occurs.

EF_L = Measured emissions from a test segment in which the regeneration does not occur.

(c) *Applying adjustment factors.* Apply adjustment factors based on whether regeneration occurs during the test run. You must be able to identify regeneration in a way that is readily apparent during all testing.

(1) If regeneration does not occur during a test segment, add an upward adjustment factor to the measured emission rate. Determine the upward adjustment factor (UAF) using the following equation:

$$UAF = EF_A - EF_L$$

(2) If regeneration occurs or starts to occur during a test segment, subtract a downward adjustment factor from the measured emission rate. Determine the downward adjustment factor (DAF) using the following equation:

$$DAF = EF_H - EF_A$$

(d) *Sample calculation.* If EF_L is 0.10 g/kW-hr, EF_H is 0.50 g/kW-hr, and F is 0.1 (the regeneration occurs once for each ten tests), then:

$$EF_A = (0.1)(0.5 \text{ g/kW-hr}) + (1.0 - 0.1)(0.1 \text{ g/kW-hr}) = 0.14 \text{ g/kW-hr.}$$

$$UAF = 0.14 \text{ g/kW-hr} - 0.10 \text{ g/kW-hr} = 0.04 \text{ g/kW-hr.}$$

$$DAF = 0.50 \text{ g/kW-hr} - 0.14 \text{ g/kW-hr} = 0.36 \text{ g/kW-hr.}$$

(e) *Ramped-modal testing.* Develop a single sets of adjustment factors for the entire test. If a regeneration has started but has not been completed when you reach the end of a test, use good engineering judgment to reduce

your downward adjustments to be proportional to the emission impact that occurred in the test.

(f) *Discrete-mode testing.* Develop separate adjustment factors for each test mode. If a regeneration has started but has not been completed when you reach the end of the sampling time for a test mode extend the sampling period for that mode until the regeneration is completed.

(g) *Category 3 engines.* We may specify an alternate methodology to account for regeneration events from Category 3 engines. If we do not, the provisions of this section apply as specified.

[73 FR 37243, June 30, 2008, as amended at 75 FR 23005, Apr. 30, 2010]

Subpart G—Special Compliance Provisions

§ 1042.601 General compliance provisions for marine engines and vessels.

Engine and vessel manufacturers, as well as owners, operators, and rebuilders of engines and vessels subject to the requirements of this part, and all other persons, must observe the provisions of this part, the requirements and prohibitions in 40 CFR part 1068, and the provisions of the Clean Air Act. The provisions of 40 CFR part 1068 apply for compression-ignition marine engines as specified in that part, subject to the following provisions:

(a) The following prohibitions apply with respect to recreational marine engines and recreational vessels:

(1) Installing a recreational marine engine in a vessel that is not a recreational vessel is a violation of 40 CFR 1068.101(a)(1).

(2) For a vessel with an engine that is certified and labeled as a recreational marine engine, using it in a manner inconsistent with its intended use as a recreational vessel violates 40 CFR 1068.101(a)(1), except as allowed by this chapter.

(b) Subpart I of this part describes how the prohibitions of 40 CFR 1068.101(a)(1) apply for certain remanufactured engines. The provisions of 40 CFR 1068.105 do not allow the installation of a new remanufactured engine in a vessel that is defined as a new vessel unless the remanufactured engine is