

§ 90.204

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or previous model year engines will violate the conditions of the certificate of conformity. The certificate of conformity may be voided *ab initio* pursuant to § 90.123 for this engine family.

[64 FR 15239, Mar. 30, 1999, as amended at 65 FR 24308, Apr. 25, 2000; 69 FR 1833, Jan. 12, 2004]

§ 90.204 Averaging.

(a) Negative credits from engine families with FELs above the applicable emission standard must be offset by positive credits from engine families having FELs below the applicable emission standard, as allowed under the provisions of this subpart. Averaging of credits in this manner is used to determine compliance under § 90.207(b). A manufacturer may have a negative balance of credits as allowed under § 90.207(c)(2).

(b) Cross-class averaging of credits is allowed across all classes of nonroad spark-ignition engines at or below 19 kW.

(c) Credits used in averaging for a given model year may be obtained from credits generated in the same model year by another engine family, credits banked in previous model years, or credits of the same or previous model year obtained through trading subject to the provisions of § 90.205(a). Credits generated under the previously available “Optional transition year averaging, banking, and trading program for Phase 2 handheld engines” of §§ 90.212 through 90.220, since repealed, may also be used in averaging. The restrictions of this paragraph notwithstanding, credits from a given model year may be used to address credit needs of previous model year engines as allowed under § 90.207(c).

(d) The use of credits generated under the early banking provisions of § 90.205(b) is subject to regulations under this subpart.

[64 FR 15239, Mar. 30, 1999, as amended at 65 FR 24308, Apr. 25, 2000; 69 FR 1834, Jan. 12, 2004]

§ 90.205 Banking.

(a)(1) Beginning August 1, 2007, a manufacturer of a Class I engine family with an FEL below the applicable emission standard for a given model year may bank credits in that model

year for use in averaging and trading. For new Class I engine families initially produced during the period starting August 1, 2003 through July 31, 2007, a manufacturer of a Class I engine family with an FEL below the applicable emission standard for a given model year may bank credits in that model year for use in averaging and trading.

(2) Beginning with the 2000 model year, a manufacturer of a Class I-A or Class I-B engine family with an FEL below the applicable emission standard for a given model year may bank credits in that model year for use in averaging and trading.

(3) Beginning with the 2001 model year, a manufacturer of a Class II engine family with an FEL below the applicable emission standard for a given model year may bank credits in that model year for use in averaging and trading.

(4) For the 2002 model year, a manufacturer of a Class III or Class IV engine family may bank credits for use in future model year averaging and trading from only those Class III or Class IV engine families with an FEL at or below 72 g/kW-hr. Beginning with the 2003 model year, a manufacturer of a Class III or Class IV engine family with an FEL below the applicable emission standard may generate credits for use in future model year averaging and trading.

(5) Beginning with the 2004 model year, a manufacturer of a Class V engine family with an FEL below the applicable emission standard may generate credits for use in future model year averaging and trading.

(6) Negative credits may be banked only according to the requirements under § 90.207(c).

(b)(1) For Class I engine families initially produced during the period beginning with the 1999 model year and prior to August 1, 2003, a manufacturer may bank early credits for engines with HC + NO_x FELs below 16.1 g/kW-hr. All early credits for such Class I engines shall be calculated against a HC + NO_x level of 20.5 g/kW-hr and may continue to be calculated against the 20.5 g/kW-hr level until August 1, 2007.

(2) Beginning with the 1999 model year and prior to the applicable date listed in paragraph (a) of this section