

§ 1039.601

40 CFR Ch. I (7–1–07 Edition)

adjustment factor to the measured emission rate. Determine the upward adjustment factor (UAF) using the following equation:

$$\text{UAF} = \text{EF}_A - \text{EF}_L$$

(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:

$$\text{DAF} = \text{EF}_H - \text{EF}_A$$

(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:

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

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

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

Subpart G—Special Compliance Provisions

§ 1039.601 What compliance provisions apply to these engines?

Engine and equipment manufacturers, as well as owners, operators, and rebuilders of engines 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 Act.

§ 1039.605 What provisions apply to engines certified under the motor-vehicle program?

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce new nonroad engines into commerce if they are already certified to the requirements that apply to compression-ignition engines under 40 CFR parts 85 and 86. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR part 86 for each engine to also be a valid certificate of conformity under this part 1039 for its model year, without a separate application for certification under the requirements of this part 1039. See § 1039.610 for similar provisions that apply to en-

gines certified to chassis-based standards for motor vehicles.

(b) *Equipment-manufacturer provisions.* If you are not an engine manufacturer, you may produce nonroad equipment using motor-vehicle engines under this section as long as the engine has been properly labeled as specified in paragraph (d)(5) of this section and you do not make any of the changes described in paragraph (d)(2) of this section. You must also add the fuel-inlet label we specify in § 1039.135(e). If you modify the motor-vehicle engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new nonroad engine. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This paragraph (c) applies to engine manufacturers, equipment manufacturers who use these engines, and all other persons as if these engines were used in a motor vehicle. The prohibited acts of § 1068.101(a)(1) apply to these new engines and equipment; however, we consider the certificate issued under 40 CFR part 86 for each engine to also be a valid certificate of conformity under this part 1039 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 85 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are an engine manufacturer and meet all the following criteria and requirements regarding your new nonroad engine, the engine is eligible for an exemption under this section:

(1) Your engine must be covered by a valid certificate of conformity issued under 40 CFR part 86.

(2) You must not make any changes to the certified engine that could reasonably be expected to increase its exhaust emissions for any pollutant, or its evaporative emissions if it is subject to evaporative-emission standards.