

Environmental Protection Agency

§ 1039.745

(c) Keep a copy of the reports we require in § 1039.725 and § 1039.730.

(d) Keep the following additional records for each engine you produce that generates or uses emission credits under the ABT program:

- (1) Engine family designation.
- (2) Engine identification number.
- (3) FEL and useful life.
- (4) Maximum engine power.
- (5) Build date and assembly plant.
- (6) Purchaser and destination.

(e) We may require you to keep additional records or to send us relevant information not required by this section.

§ 1039.740 What restrictions apply for using emission credits?

The following restrictions apply for using emission credits:

(a) *Averaging sets.* Emission credits may be exchanged only within an averaging set. For Tier 4 engines, there are two averaging sets—one for engines at or below 560 kW and another for engines above 560 kW.

(b) *Emission credits from earlier tiers of standards.* (1) For purposes of ABT under this subpart, you may not use emission credits generated from engines subject to emission standards under 40 CFR part 89, except as specified in § 1039.102(d)(1) or the following table:

If the maximum power of the credit-generating engine is . . .	And it was certified to the following standards under 40 CFR part 89 . . .	Then you may use those banked credits for the following Tier 4 engines . . .
(i) kW < 19	Tier 2	kW < 19
(ii) 19 ≤ kW < 37 . . .	Tier 2	kW ≥ 19
(iii) 37 ≤ kW ≤ 560 . . .	Tier 3	kW ≥ 19
(iv) kW > 560	Tier 2	kW ≥ 19

(2) Emission credits generated from marine engines certified under the provisions of 40 CFR part 89 may not be used under this part.

(3) See 40 CFR part 89 for other restrictions that may apply for using emission credits generated under that part.

(4) If the maximum power of an engine generating credits under the Tier 2 standards in 40 CFR part 89 is at or above 37 kW and below 75 kW, you may

use those credits for certifying engines under the Option #1 standards in § 1039.102.

(c) *NO_x and NO_x+NMHC emission credits.* You may use NO_x emission credits without adjustment to show compliance with NO_x+NMHC standards. You may use NO_x+NMHC emission credits to show compliance with NO_x standards, but you must adjust the NO_x+NMHC emission credits downward by twenty percent when you use them, as shown in the following equation:

$$\text{NO}_x \text{ emission credits} = (0.8) \times (\text{NO}_x + \text{NMHC emission credits}).$$

(d) *Other restrictions.* Other sections of this part specify additional restrictions for using emission credits under certain special provisions.

[69 FR 39213, June 29, 2004, as amended at 70 FR 40464, July 13, 2005]

§ 1039.745 What can happen if I do not comply with the provisions of this subpart?

(a) For each engine family participating in the ABT program, the certificate of conformity is conditional upon full compliance with the provisions of this subpart during and after the model year. You are responsible to establish to our satisfaction that you fully comply with applicable requirements. We may void the certificate of conformity for an engine family if you fail to comply with any provisions of this subpart.

(b) You may certify your engine family to an FEL above an applicable standard based on a projection that you will have enough emission credits to offset the deficit for the engine family. However, we may void the certificate of conformity if you cannot show in your final report that you have enough actual emission credits to offset a deficit for any pollutant in an engine family.

(c) We may void the certificate of conformity for an engine family if you fail to keep records, send reports, or give us information we request.

(d) You may ask for a hearing if we void your certificate under this section (see § 1039.820).