

Environmental Protection Agency

§ 89.114

Tier 2 engines and later models. This provision does not apply to engines using turbochargers, pumps, blowers, or superchargers for air induction.

(f) The following paragraphs define the requirements for low-emitting Blue Sky Series engines:

(1) *Voluntary standards.* Engines may be designated “Blue Sky Series” engines by meeting the voluntary standards listed in Table 3, which apply to all certification and in-use testing, as follows:

TABLE 3—VOLUNTARY EMISSION STANDARDS (G/ KW-HR)

Rated Brake Power (kW)	NMHC+NO _x	PM
kW<8	4.6	0.48
8≤kW<19	4.5	0.48
19≤kW<37	4.5	0.36
37≤kW<75	4.7	0.24
75≤kW<130	4.0	0.18
130≤kW≤560	4.0	0.12
kW>560	3.8	0.12

(2) *Additional standards.* Blue Sky Series engines are subject to all provisions that would otherwise apply under this part, except as specified in paragraph (f)(3) of this section.

(3) *Test procedures.* NO_x, NMHC, and PM emissions are measured using the procedures set forth in 40 CFR part 1065, in lieu of the procedures set forth in subpart E of this part. CO emissions may be measured using the procedures set forth either in 40 CFR part 1065 or in subpart E of this part. Manufacturers may use an alternate procedure to demonstrate the desired level of emission control if approved in advance by the Administrator. Engines meeting the requirements to qualify as Blue Sky Series engines must be capable of maintaining a comparable level of emission control when tested using the procedures set forth in paragraph (c) of this section and subpart E of this part. The numerical emission levels measured using the procedures from subpart E of this part may be up to 20 percent higher than those measured using the procedures from 40 CFR part 1065 and still be considered comparable.

(g) Manufacturers of engines at or above 37 kW and below 56 kW from model years 2008 through 2012 that are subject to the standards of this section

under 40 CFR 1039.102 must take the following additional steps:

(1) State the applicable PM standard on the emission control information label.

(2) Add information to the emission-related installation instructions to clarify the equipment manufacturer’s obligations under 40 CFR 1039.104(f).

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56995, 57000, Oct. 23, 1998; 69 FR 39212, June 29, 2004; 70 FR 40444, July 13, 2005]

§ 89.113 Smoke emission standard.

(a) Exhaust opacity from compression-ignition nonroad engines for which this subpart is applicable must not exceed:

(1) 20 percent during the acceleration mode;

(2) 15 percent during the lugging mode; and

(3) 50 percent during the peaks in either the acceleration or lugging modes.

(b) Opacity levels are to be measured and calculated as set forth in 40 CFR part 86, subpart I. Notwithstanding the provisions of 40 CFR part 86, subpart I, two-cylinder nonroad engines may be tested using an exhaust muffler that is representative of exhaust mufflers used with the engines in use.

(c) The following engines are exempt from the requirements of this section:

(1) Single-cylinder engines;

(2) Propulsion marine diesel engines; and

(3) Constant-speed engines.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56995, 57003, Oct. 23, 1998]

§ 89.114 Special and alternate test procedures.

(a) *Special test procedures.* The Administrator may, on the basis of written application by a manufacturer, establish special test procedures other than those set forth in this part, for any nonroad engine that the Administrator determines is not susceptible to satisfactory testing under the specified test procedures set forth in subpart E of this part or 40 CFR part 86, subpart I.

(b) *Alternate test procedures.* (1) A manufacturer may elect to use an alternate test procedure provided that it yields equivalent results to the specified procedures, its use is approved in

advance by the Administrator, and the basis for equivalent results with the specified test procedures is fully described in the manufacturer's application.

(2) The Administrator may reject data generated under alternate test procedures which do not correlate with data generated under the specified procedures.

(3) A manufacturer may elect to use the test procedures in 40 CFR part 1065 as an alternate test procedure without advance approval by the Administrator. The manufacturer must identify in its application for certification that the engines were tested using the procedures in 40 CFR part 1065. For any EPA testing with Tier 2 or Tier 3 engines, EPA will use the manufacturer's selected procedures for mapping engines, generating duty cycles, and applying cycle-validation criteria. For any other parameters, EPA may conduct testing using either of the specified procedures.

(4) Where we specify mandatory compliance with the procedures of 40 CFR part 1065, such as in § 89.419, manufacturers may elect to use the procedures specified in 40 CFR part 86, subpart N, as an alternate test procedure without advance approval by the Administrator.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56995, 57003, Oct. 23, 1998; 69 FR 39212, June 29, 2004; 70 FR 40445, July 13, 2005]

§ 89.115 Application for certificate.

(a) For each engine family that complies with all applicable standards and requirements, the engine manufacturer must submit to the Administrator a completed application for a certificate of conformity.

(b) The application must be approved and signed by the authorized representative of the manufacturer.

(c) The application will be updated and corrected by amendment as provided for in § 89.123 to accurately reflect the manufacturer's production.

(d) *Required content.* Each application must include the following information:

(1) A description of the basic engine design including, but not limited to, the engine family specifications, the

provisions of which are contained in § 89.116;

(2) An explanation of how the emission control system operates, including a detailed description of all emission control system components, each auxiliary emission control device (AECD), and all fuel system components to be installed on any production or test engine(s);

(3) Proposed test fleet selection and the rationale for the test fleet selection;

(4) Special or alternate test procedures, if applicable;

(5) The period of operation necessary to accumulate service hours on test engines and stabilize emission levels;

(6) A description of all adjustable operating parameters (including, but not limited to, injection timing and fuel rate), including the following:

(i) The nominal or recommended setting and the associated production tolerances;

(ii) The intended physically adjustable range;

(iii) The limits or stops used to establish adjustable ranges;

(iv) Production tolerances of the limits or stops used to establish each physically adjustable range; and

(v) Information relating to why the physical limits or stops used to establish the physically adjustable range of each parameter, or any other means used to inhibit adjustment, are effective in preventing adjustment of parameters to settings outside the manufacturer's intended physically adjustable ranges on in-use engines;

(7) For families participating in the averaging, banking, and trading program, the information specified in subpart C of this part;

(8) A description of the test equipment and fuel proposed to be used;

(9) All test data obtained by the manufacturer on each test engine;

(10) An unconditional statement certifying that all engines in the engine family comply with all requirements of this part and the Clean Air Act.

(e) At the Administrator's request, the manufacturer must supply such additional information as may be required to evaluate the application including, but not limited to, projected nonroad engine production.