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SOURCE: 61 FR 52102, Oct. 4, 1996, unless otherwise noted.

EFFECTIVE DATE NOTE: At 61 FR 52102, Oct. 4, 1996, part 91 was added, effective Dec. 3, 1996. This part contains information collection and recordkeeping requirements that will not become effective until approval has been given by the Office of Management and Budget.

Subpart A—General

§91.1 Applicability.

(a) This part and all its subparts apply to marine spark-ignition engines used to propel marine vessels as defined in the General Provisions of the

United States Code, 1 U.S.C.3 (1992), unless otherwise indicated.

(b) Sterndrive and inboard engines are exempt from this part.

(c) Existing technology OB/PWC are exempt from §91.112 and subparts D, E, F, G, I (§§91.803 through 91.805), J, M and N through model year 2003.

§91.2 Applicable date.

This part applies to marine spark-ignition engines beginning with the 1998 model year, except where otherwise specified.

§91.3 Definitions.

The following definitions apply to this part 91. All terms not defined herein have the meaning given them in the Act.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*

Adjustable parameter means any device, system, or element of design which is physically capable of being adjusted (including those which are difficult to access) and which, if adjusted, may affect emissions or engine performance during emission testing or normal in-use operation.

Administrator means the Administrator of the Environmental Protection Agency or his or her authorized representative.

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

Auxiliary emission control device means any element of design that senses temperature, engine speed, engine RPM, transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

Certification means, with respect to new SI marine engines, obtaining a certificate of conformity for an engine family complying with the marine SI engine emission standards and requirements specified in this part.

Emission control system means any device, system, or element of design which controls or reduces the emission of substances from an engine.

Engine as used in this part, refers to marine SI engine.

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Engine family means a group of engines, as specified in §91.115.

EPA enforcement officer means any officer, employee, or authorized representative of the U.S. Environmental Protection Agency so designated in writing by the Administrator (or by his or her designee).

Exhaust emissions means matter emitted into the atmosphere from any opening downstream from the exhaust port of a marine engine.

Existing technology OB/PWC means an outboard engine or a personal watercraft engine which was in production for the 1997 or any previous model years and that did not utilize newer technologies such as four-stroke technology, direct-injection two-stroke technology, catalyst technology, or other technology used to comply with emission standards which the Administrator determines is a new type of OB/PWC technology.

Family Emission Limit (FEL) means an emission level that is declared by the manufacturer to serve in lieu of an emission standard for certification and for the averaging, banking, and trading program. A FEL must be expressed to the same number of decimal places as the applicable emission standard.

Fuel system means all components involved in the transport, metering, and mixture of the fuel from the fuel tank to the combustion chamber(s) including the following: Fuel tank, fuel tank cap, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, and all fuel system vents.

Gross power means the power measured at the crankshaft or its equivalent (for outboards, the power may be measured at the propeller shaft), the engine being equipped only with the standard accessories (such as oil pumps, coolant pumps, and so forth) necessary for its operation on the test bed.

Identification number means a unique specification (for example, model number/serial number combination) which allows a particular marine SI engine to be distinguished from other similar engines.

Inboard engine means a four stroke marine SI engine that is designed such that the propeller shaft penetrates the

hull of the marine vessel while the engine and the remainder of the drive unit is internal to the hull of the marine vessel.

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine engine manufacturer means any person engaged in the manufacturing or assembling of new marine SI engines or the importing of such engines for resale, or who acts for and is under the control of any such person in connection with the distribution of such engines. A marine SI engine manufacturer does not include any dealer with respect to new marine SI engines received by such person in commerce.

Marine spark-ignition engine means a spark-ignition marine engine that propels a marine vessel.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

Marine vessel manufacturer means any person engaged in the manufacturing or assembling of new marine vessels or importing such marine vessels for resale, or who acts for and is under the control of any such person in connection with the distribution of such vehicles. A marine vessel manufacturer does not include any dealer with respect to new marine vessels received by such person in commerce.

Model year means the manufacturer's annual new model production period which includes January 1 of the calendar year for which the model year is named, ends no later than December 31 of the calendar year, and does not

begin earlier than January 2 of the previous calendar year. Where a manufacturer has no annual new model production period, model year means the calendar year.

New, for purposes of this part, means a nonroad engine, nonroad vehicle, or nonroad equipment the equitable or legal title to which has never been transferred to an ultimate purchaser. Where the equitable or legal title to the engine, vehicle or equipment is not transferred to an ultimate purchaser until after the engine, vehicle, or equipment is placed into service, then the engine, vehicle, or equipment will no longer be new after it is placed into service. A nonroad engine, vehicle, or equipment is placed into service when it is used for its functional purposes. With respect to imported nonroad engines, nonroad vehicles, or nonroad equipment, the term “new” means an engine, vehicle, or piece of equipment that is not covered by a certificate of conformity issued under this part at the time of importation, and that is manufactured after the effective date of a regulation issued under this part which is applicable to such engine, vehicle, or equipment, or which would be applicable to such engine, vehicle, or equipment had it been manufactured for importation into the United States.

Nonroad engine has the meaning as defined in 40 CFR 89.2.

Nonroad vehicle has the meaning as defined in 40 CFR 89.2.

Nonroad equipment has the meaning as defined in 40 CFR 89.2.

Operating hours means:

(1) For engine storage areas or facilities, all times during which personnel other than custodial personnel are at work in the vicinity of the storage area or facility and have access to it.

(2) For all other areas or facilities, all times during which an assembly line is in operation or all times during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

Outboard engine is a marine SI engine that, when properly mounted on a ma-

rine vessel in the position to operate, houses the engine and drive unit external to the hull of the marine vessel.

Personal watercraft engine (PWC) is a marine SI engine that does not meet the definition of outboard engine, inboard engine or sterndrive engine, except that the Administrator in his or her discretion may classify a PWC as an inboard or sterndrive engine if it is comparable in technology and emissions to an inboard or sterndrive engine.

Presentation of credentials means the display of the document designating a person as an EPA enforcement officer or EPA authorized representative.

Scheduled maintenance means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer to be performed on a periodic basis to prevent part failure or marine vessel or engine malfunction, or those actions anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

Sterndrive engine means a four stroke marine SI engine that is designed such that the drive unit is external to the hull of the marine vessel, while the engine is internal to the hull of the marine vessel.

Test engine means the engine or group of engines that a manufacturer uses during certification, production line and in-use testing to determine compliance with emission standards.

Ultimate purchaser means, with respect to any new marine SI engine the first person who in good faith purchases such new marine SI engine for purposes other than resale.

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United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

Used solely for competition means exhibiting features that are not easily removed and that would render its use other than in competition unsafe, impractical, or highly unlikely.

Warranty period means the period of time the engine or part is covered by the warranty provisions.

[61 FR 52102, Oct. 4, 1996, as amended at 67 FR 68340, Nov. 8, 2002; 70 FR 40451, July 13, 2005]

§91.4 Acronyms and abbreviations.

The following acronyms and abbreviations apply to this part 91.

- AECD—Auxiliary emission control device
- ASME—American Society of Mechanical Engineers
- ASTM—American Society for Testing and Materials
- CAA—Clean Air Act
- CAAA—Clean Air Act Amendments of 1990
- CLD—chemiluminescent detector
- CO—Carbon monoxide
- CO₂—Carbon dioxide
- EPA—Environmental Protection Agency
- FEL—Family Emission Limit
- g/kw-hr—grams per kilowatt hour
- HC—hydrocarbons
- HCLD—heated chemiluminescent detector
- HFTD—heated flame ionization detector
- ICI—Independent Commercial Importer
- MY—Model Year
- NDIR—non-dispersive infrared analyzer
- NIST—National Institute for Standards and Testing
- NO—Nitric oxide
- NO₂—Nitrogen dioxide
- NO_x—Oxides of nitrogen
- OB—Outboard engine
- O₂—Oxygen
- OEM—Original engine manufacturer
- PMD—paramagnetic detector
- PWC—personal watercraft
- RPM—revolutions per minute
- SAE—Society of Automotive Engineers
- SEA—Selective Enforcement Auditing
- SI—Spark-ignition
- U.S.C.—United States Code
- VOC—Volatile organic compounds
- ZROD—zirconium dioxide sensor

§91.5 Table and figure numbering; position.

(a) Tables for each subpart appear in an appendix at the end of the subpart. Tables are numbered consecutively by order of appearance in the appendix. The table title will indicate the topic.

(b) Figures for each subpart appear in an appendix at the end of the subpart. Figures are numbered consecutively by order of appearance in the appendix. The figure title will indicate the topic.

§91.6 Reference materials.

(a) *Incorporation by reference.* The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, Air and Radiation Docket and Information Center, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part.

(1) *ASTM material.* The following table sets forth material from the American Society for Testing and Materials which has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than §91.6, in which the matter is referenced. The second column is presented for information only and may not be all inclusive. Copies of these materials may be obtained from American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

Document number and name	40 CFR part 91 reference
ASTM D86-93: Standard Test Method for Distillation of Petroleum Products	Appendix A to Subpart D.
ASTM D323-90: Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).	Appendix A to Subpart D.