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credits generated in one model year may not be used for prior model years.
(ii) Credits generated from engines rated under 19 kW prior to the implementa-
tion date of the applicable Tier 2 standards, shall expire on December 31, 2007.
(iii) Credits generated from engines rated under 19 kW under the provi-
sions of paragraph (c)(3)(ii) shall expire on December 31, 2003.
(iv) Credits generated from engines rated at or above 19 kW and under 37 kW
under the provisions of paragraph (c)(3)(ii) of this section shall expire on
December 31, 2002.
(5) Except as provided in paragraph (b)(3) of this section, engine families
may not generate credits for one pol-
lutant while also using credits for an-
other pollutant in the same model
year.
(6) Model year 2008 and 2009 engines
rated under 8 kW that are allowed to
certify under this part because they
meet the criteria in 40 CFR 1039.101(c)
may not generate emission credits.

§ 89.204 Averaging.

(a) Requirements for Tier 1 engines rated at or above 37 kW. A manufac-
turer may use averaging to offset an emis-
sion exceedance of a nonroad engine family caused by a
NMHC+NOX FEL above the
applicable emission standard. Credits used in averaging may be obtained
from credits generated by another en-
gine family in the same model year,
credits banked in previous model years
that have not expired, or credits ob-
tained through trading. The use of
credits shall be within the restrictions
described in paragraph (c) of this sec-
tion, § 89.206(b)(4) and § 89.203(b)(5)(ii).

(b) Requirements for Tier 2 and later engines rated at or above 37 kW and Tier
1 and later engines rated under 37 kW. A manufacturer may use averaging to
offset an emission exceedance of a
nonroad engine family caused by an
NMHC+NOX FEL or a PM FEL above the
applicable emission standard. Credits
used in averaging may be obtained
from credits generated by another en-
gine family in the same model year,
credits banked in previous model years
that have not expired, or credits ob-
tained through trading. The use of
credits shall be within the restrictions
described in paragraph (c) of this sec-
tion, § 89.206(b)(4) and § 89.203(b)(5)(ii).

(c) Averaging sets for emission credits. The averaging and trading of NOX,
NMHC+NOX, and PM emissions credits
will only be allowed between engine families in the same averaging set. The
averaging sets for the averaging and
trading of NOX emission credits, NMHC
+ NOX emission credits, and PM emis-
sion credits for nonroad engines are de-

§ 89.205 Banking.

(a) Requirements for Tier 1 engines rated at or above 37 kW. (1) A manufac-
turer of a nonroad engine family with a
NOX FEL below the applicable standard