

may not exceed the following standards:

- (1) 20 percent during the acceleration mode.
- (2) 15 percent during the lugging mode.
- (3) 50 percent during the peaks in either the acceleration or lugging modes.

§ 1039.107 What evaporative emission standards and requirements apply?

There are no evaporative emission standards for diesel-fueled engines, or engines using other nonvolatile or non-liquid fuels (for example, natural gas). If your engine uses a volatile liquid fuel, such as methanol, you must meet the evaporative emission requirements of 40 CFR part 1048 that apply to spark-ignition engines, as follows:

- (a) Follow the steps in 40 CFR 1048.245 to show that you meet the requirements of 40 CFR 1048.105.
- (b) Do the following things in your application for certification:
 - (1) Describe how your engines control evaporative emissions.
 - (2) Present test data to show that equipment using your engines meets the evaporative emission standards we specify in this section if you do not use design-based certification under 40 CFR 1048.245. Show these figures before and after applying deterioration factors, where applicable.

§ 1039.110 [Reserved]

§ 1039.115 What other requirements apply?

Engines that are required to meet the emission standards of this part must meet the following requirements, except as noted elsewhere in this part:

- (a) *Crankcase emissions.* Crankcase emissions may not be discharged directly into the ambient atmosphere from any engine throughout its useful life, except as follows:
 - (1) Engines may discharge crankcase emissions to the ambient atmosphere if the emissions are added to the exhaust emissions (either physically or mathematically) during all emission testing.
 - (2) If you take advantage of this exception, you must do the following things:
 - (i) Manufacture the engines so that all crankcase emissions can be routed

into the applicable sampling systems specified in 40 CFR part 1065.

- (ii) Account for deterioration in crankcase emissions when determining exhaust deterioration factors.
- (3) For purposes of this paragraph (a), crankcase emissions that are routed to the exhaust upstream of exhaust aftertreatment during all operation are not considered to be discharged directly into the ambient atmosphere.

(b)–(d) [Reserved]

(e) *Adjustable parameters.* Engines that have adjustable parameters must meet all the requirements of this part for any adjustment in the physically adjustable range. An operating parameter is not considered adjustable if you permanently seal it or if it is not normally accessible using ordinary tools. We may require that you set adjustable parameters to any specification within the adjustable range during any testing, including certification testing, selective enforcement auditing, or in-use testing.

(f) *Prohibited controls.* You may not design your engines with emission-control devices, systems, or elements of design that cause or contribute to an unreasonable risk to public health, welfare, or safety while operating. For example, this would apply if the engine emits a noxious or toxic substance it would otherwise not emit that contributes to such an unreasonable risk.

(g) *Defeat devices.* You may not equip your engines with a defeat device. A defeat device is an auxiliary emission-control device that reduces the effectiveness of emission controls under conditions that the engine may reasonably be expected to encounter during normal operation and use. This does not apply to auxiliary-emission control devices you identify in your certification application if any of the following is true:

- (1) The conditions of concern were substantially included in the applicable test procedures described in subpart F of this part.
- (2) You show your design is necessary to prevent engine (or equipment) damage or accidents.
- (3) The reduced effectiveness applies only to starting the engine.

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