

Environmental Protection Agency

§ 1039.805

hydrocarbon, expressed as a hydrocarbon with an atomic hydrogen-to-carbon ratio of 1.85:1.

Total hydrocarbon equivalent has the meaning given in 40 CFR 1065.1001. This generally means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as exhaust hydrocarbon from petroleum-fueled engines. The atomic hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

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

Ultra low-sulfur diesel fuel means one of the following:

(1) For in-use fuels, *ultra low-sulfur diesel fuel* means a diesel fuel with a maximum sulfur concentration of 15 parts per million.

(2) For testing, *ultra low-sulfur diesel fuel* has the meaning we give in 40 CFR part 1065.

United States has the meaning we give in 40 CFR 1068.30.

Upcoming model year means for an engine family the model year after the one currently in production.

U.S.-directed production volume means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. It is the period during which a nonroad engine is required to comply with all applicable emission standards. See § 1039.101(g).

Variable-speed engine means an engine that is not a constant-speed engine.

Void has the meaning we give in 40 CFR 1068.30.

Volatile liquid fuel means any fuel other than diesel or biodiesel that is a liquid at atmospheric pressure and has

a Reid Vapor Pressure higher than 2.0 pounds per square inch.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

[69 FR 39213, June 29, 2004, as amended at 70 FR 40464, July 13, 2005; 72 FR 53133, Sept. 18, 2007; 73 FR 59192, Oct. 8, 2008; 75 FR 22993, Apr. 30, 2010]

EFFECTIVE DATE NOTE: At 77 FR 34147, June 8, 2012, §1039.801 was amended by adding definitions for “Diesel exhaust fluid” and “Emergency equipment” to read as follows:, effective August 7, 2012. For the convenience of the user, the added text is set forth as follows:

§ 1039.801 What definitions apply to this part?

* * * * *

Diesel exhaust fluid (DEF) means a liquid compound used in conjunction with selective catalytic reduction to reduce NO_x emissions. *Diesel exhaust fluid* is generally understood to conform to the specifications of ISO 22241.

* * * * *

Emergency equipment means either of the following types of equipment:

(1) Specialized vehicles used to perform aircraft rescue and fire-fighting functions at airports, with particular emphasis on saving lives and reducing injuries coincident with aircraft fires following impact or aircraft ground fires.

(2) Wildland fire apparatus, which includes any apparatus equipped with a slip-on fire-fighting module, designed primarily to support wildland fire suppression operations.

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§ 1039.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

- CFR Code of Federal Regulations.
- CH₄ methane.
- CO carbon monoxide.
- CO₂ carbon dioxide.
- EPA Environmental Protection Agency.
- FEL Family Emission Limit.
- g/kW-hr grams per kilowatt-hour.
- HC hydrocarbon.
- kW kilowatts.
- N₂O nitrous oxide.
- NIST National Institute of Standards and Technology.
- NMHC nonmethane hydrocarbons.
- NO_x oxides of nitrogen (NO and NO₂).

§ 1039.815

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NTE not-to-exceed
PM particulate matter.
rpm revolutions per minute.
SAE Society of Automotive Engineers.
SEA Selective enforcement audit.
THC total hydrocarbon.
THCE total hydrocarbon equivalent.
TRU transportation refrigeration unit.
U.S.C. United States Code.

[69 FR 39213, June 29, 2004, as amended at 74 FR 56509, Oct. 30, 2009]

EFFECTIVE DATE NOTE: At 77 FR 34148, June 8, 2012, §1039.805 was amended by adding abbreviations for “DEF”, “EEFM”, “ISO”, and “SCR” to read as follows., effective August 7, 2012. For the convenience of the user, the added text is set forth as follows:

§ 1039.805 What symbols, acronyms, and abbreviations does this part use?

*	*	*	*	*
DEF	Diesel exhaust fluid.			
EEFM	Emergency equipment field modification.			
*	*	*	*	*
ISO	International Organization for Standardization (see <i>www.iso.org</i>).			
*	*	*	*	*
SCR	Selective catalytic reduction.			
*	*	*	*	*

§ 1039.815 What provisions apply to confidential information?

- (a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.
- (b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.
- (c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.
- (d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

§ 1039.820 How do I request a hearing?

- (a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.
- (b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.
- (c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

§ 1039.825 What reporting and record-keeping requirements apply under this part?

Under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget approves the reporting and recordkeeping specified in the applicable regulations. The following items illustrate the kind of reporting and recordkeeping we require for engines and equipment regulated under this part:

- (a) We specify the following requirements related to engine certification in this part 1039:
 - (1) In §1039.20 we require engine manufacturers to label stationary engines that do not meet the standards in this part.
 - (2) In §1039.135 we require engine manufacturers to keep certain records related to duplicate labels sent to equipment manufacturers.
 - (3) [Reserved]
 - (4) In subpart C of this part we identify a wide range of information required to certify engines.
 - (5) [Reserved]
 - (6) [Reserved]
 - (7) In subpart G of this part we identify several reporting and recordkeeping items for making demonstrations and getting approval related to various special compliance provisions. For example, equipment manufacturers must submit reports and keep records related to the flexibility provisions in §1039.625.
 - (8) In §1039.725, 1039.730, and 1039.735 we specify certain records related to averaging, banking, and trading.