

most common configuration in the family.

(c) Remanufacture the engine according to OEM specifications (or equivalent). The engine is considered “the baseline engine” at this point. If the OEM specifications include a range of adjustment for any parameter, set the parameter to the midpoint of the range. You may ask us to allow you to adjust it differently, consistent with good engineering judgment.

(d) Test the baseline engine four times according to the test procedures in subpart F of this part. The baseline emissions are the average of those four tests.

(e) We may require you to test a second engine of the same or different configuration in addition to the engine tested under this section. If we require you to test the same configuration, average the results of the testing with previous results, unless we determine that your previous results are not valid.

(f) Use good engineering judgment for all aspects of the baseline determination. We may reject your baseline if we determine that you did not use good engineering judgment, consistent with the provisions of 40 CFR 1068.5.

#### § 1042.830 Labeling.

(a) At the time of remanufacture, affix a permanent and legible label identifying each engine. The label must be—

(1) Attached in one piece so it is not removable without being destroyed or defaced.

(2) Secured to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Durable and readable for the engine’s entire useful life.

(4) Written in English.

(b) The label must—

(1) Include the heading “EMISSION CONTROL INFORMATION”.

(2) Include your full corporate name and trademark.

(3) Include EPA’s standardized designation for the engine family.

(4) State the engine’s category, displacement (in liters or L/cyl), maximum engine power (in kW), and power density (in kW/L) as needed to determine the emission standards for the en-

gine family. You may specify displacement, maximum engine power, and power density as ranges consistent with the ranges listed in §1042.101. See §1042.140 for descriptions of how to specify per-cylinder displacement, maximum engine power, and power density.

(5) State: “THIS MARINE ENGINE COMPLIES WITH 40 CFR 1042, SUBPART I, FOR [CALENDAR YEAR OF REMANUFACTURE].”.

(c) You may add information to the emission control information label to identify other emission standards that the engine meets or does not meet (such as international standards). You may also add other information to ensure that the engine will be properly maintained and used.

(d) You may ask us to approve modified labeling requirements in this section if you show that it is necessary or appropriate. We will approve your request if your alternate label is consistent with the intent of the labeling requirements of this section.

#### § 1042.835 Certification of remanufactured engines.

(a) *General requirements.* See §§1042.201, 1042.210, 1042.220, 1042.225, 1042.250, and 1042.255 for the general requirements related to obtaining a certificate of conformity. See §1042.836 for special certification provisions for remanufacturing systems certified for locomotive engines under 40 CFR 1033.936.

(b) *Applications.* See §1042.840 for a description of what you must include in your application.

(c) *Engine families.* See §1042.845 for instruction about dividing your engines into engine families.

(d) *Test data.* (1) Measure baseline emissions for the test configuration as specified in §1042.825.

(2) Measure emissions from the test engine for your remanufacturing system according to the procedures of subpart F of this part.

(3) We may measure emissions from any of your test engines or other engines from the engine family, as follows:

(i) We may decide to do the testing at your plant or any other facility. If we

do this, you must deliver the test engine to a test facility we designate. The test engine you provide must include appropriate manifolds, aftertreatment devices, electronic control units, and other emission-related components not normally attached directly to the engine block. If we do the testing at your plant, you must schedule it as soon as possible and make available the instruments, personnel, and equipment we need.

(ii) If we measure emissions from one of your test engines, the results of that testing become the official emission results for the engine. Unless we later invalidate these data, we may decide not to consider your data in determining if your engine family meets applicable requirements.

(iii) Before we test one of your engines, we may set its adjustable parameters to any point within the specified adjustable ranges (see §1042.115(d)).

(iv) Before we test one of your engines, we may calibrate it within normal production tolerances for anything we do not consider an adjustable parameter.

(4) You may ask to use emission data from a previous model year instead of doing new tests, but only if all the following are true:

(i) The engine family from the previous model year differs from the current engine family only with respect to model year or other characteristics unrelated to emissions. You may also ask to add a configuration subject to §1042.225.

(ii) The emission-data engine from the previous model year remains the appropriate emission-data engine.

(iii) The data show that the emission-data engine would meet all the requirements that apply to the engine family covered by the application for certification.

(5) We may require you to test a second engine of the same or different configuration in addition to the engine tested under this section.

(6) If you use an alternate test procedure under 40 CFR 1065.10 and later testing shows that such testing does not produce results that are equivalent to the procedures specified in subpart F of this part, we may reject data you

generated using the alternate procedure.

(e) *Demonstrating compliance.* (1) For purposes of certification, your engine family is considered in compliance with the emission standards in §1042.820 if all emission-data engines representing that family have test results showing compliance with the standards and percent reductions required by that section. To compare emission levels from the emission-data engine with the applicable emission standards, apply an additive deterioration factor of 0.015 g/kW-hr to the measured emission levels for PM. Alternatively, you may test your engine as specified in §1042.245 to develop deterioration factors that represent the deterioration expected in emissions over your engines' full useful life.

(2) Collect emission data using measurements to one more decimal place than the applicable standard. Apply the deterioration factor to the official emission result, then round the adjusted figure to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each emission-data engine.

(3) Your applicable NO<sub>x</sub> standard for each configuration is the baseline NO<sub>x</sub> emission rate for that configuration plus 5.0 percent (to account for test-to-test and engine-to-engine variability). Your applicable PM standard for each configuration is the baseline PM emission rate for that configuration multiplied by 0.750 plus the deterioration factor. If you choose to include configurations in your engine family for which you do not measure baseline emissions, you must demonstrate through engineering analysis that your remanufacturing system will reduce PM emissions by at least 25.0 percent for those configurations and not increase NO<sub>x</sub> emissions.

(4) Your engine family is deemed not to comply if any emission-data engine representing that family for certification has test results showing a deteriorated emission level above an applicable emission standard for any pollutant.

(f) *Safety Evaluation.* You must exercise due diligence in ensuring that your system will not adversely affect safety

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or otherwise violate the prohibition of §1042.115(e).

(g) *Compatibility Evaluation.* If you are not the original manufacturer of the engine, you must contact the original manufacturer of the engine to verify that your system is compatible with the engine. Keep records of your contact with the original manufacturer.

### § 1042.836 Marine certification of locomotive remanufacturing systems.

If you certify a Tier 0, Tier 1, or Tier 2 remanufacturing system for locomotives under 40 CFR part 1033, you may also certify the system under this part 1042, according to the provisions of this section. Note that in certain cases before 2013, locomotives may be certified under 40 CFR part 1033 to the standards of 40 CFR part 92.

(a) Include the following with your application for certification under 40 CFR part 1033 (or as an amendment to your application):

(1) A statement of your intent to use your remanufacturing system for marine engines. Include a list of marine engine models for which your system may be used.

(2) If there are significant differences in how your remanufacture system will be applied to marine engines relative to locomotives, in an engineering analysis demonstrating that your system will achieve emission reductions from marine engines similar to those from locomotives.

(3) A description of modifications needed for marine applications.

(4) A demonstration of availability as described in §1042.815, except that the total marginal cost threshold does not apply.

(5) An unconditional statement that all the engines in the engine family comply with the requirements of this part, other referenced parts of the CFR, and the Clean Air Act.

(b) Sections 1042.835 and 1042.840 do not apply for engines certified under this section.

(c) Systems certified to the standards of 40 CFR part 92 are subject to the following restrictions:

(1) Tier 0 locomotives systems may not be used for any Category 1 engines or Tier 1 or later Category 2 engines.

(2) Where systems certified to the standards of 40 CFR part 1033 are also available for an engine, you may not use a system certified to the standards of 40 CFR part 92.

[73 FR 37243, June 30, 2008, as amended at 73 FR 59194, Oct. 8, 2008; 75 FR 23009, Apr. 30, 2010]

### § 1042.840 Application requirements for remanufactured engines.

This section specifies the information that must be in your application, unless we ask you to include less information under §1042.201(c). We may require you to provide additional information to evaluate your application.

(a) Describe the engine family's specifications and other basic parameters of the engine's design and emission controls. List the fuel type on which your engines are designed to operate (for example, ultra low-sulfur diesel fuel). List each distinguishable engine configuration in the engine family. For each engine configuration, list the maximum engine power and the range of values for maximum engine power resulting from production tolerances, as described in §1042.140.

(b) Explain how the emission control system operates. Describe in detail all system components for controlling exhaust emissions, including any auxiliary emission control devices (AECs) you add to the engine. Identify the part number of each component you describe.

(c) Summarize your cost effectiveness analysis used to demonstrate your system will meet the availability criteria of §1042.815. Identify the maximum allowable costs for vessel modifications to meet these criteria.

(d) Describe the engines you selected for testing and the reasons for selecting them.

(e) Describe the test equipment and procedures that you used, including the duty cycle(s) and the corresponding engine applications. Also describe any special or alternate test procedures you used.

(f) Describe how you operated the emission-data engine before testing, including the duty cycle and the number of engine operating hours used to stabilize emission levels. Explain why you