

year. You are responsible to establish to our satisfaction that you fully comply with applicable requirements. We may void the certificate of conformity for an engine family if you fail to comply with any provisions of this subpart.

(b) You may certify your engine family to an FEL above an emission standard based on a projection that you will have enough emission credits to offset the deficit for the engine family. However, we may void the certificate of conformity if you cannot show in your final report that you have enough actual emission credits to offset a deficit for any pollutant in an engine family.

(c) We may void the certificate of conformity for an engine family if you fail to keep records, send reports, or give us information we request.

(d) You may ask for a hearing if we void your certificate under this section (see §1042.920).

Subpart I—Special Provisions for Remanufactured Marine Engines

§ 1042.801 General provisions.

This subpart describes how the provisions of this part 1042 apply for certain remanufactured marine engines.

(a) The requirements of this subpart apply for remanufactured Tier 2 and earlier commercial Category 1 and Category 2 marine engines at or above 600 kW, excluding those engines originally manufactured before 1973. Note that the requirements of this subpart do not apply for engines below 600 kW, Category 3 engines, engines installed on recreational vessels, or Tier 3 and later engines.

(b) Any person meeting the definition of “remanufacturer” in §1042.901 may apply for a certificate of conformity for a remanufactured engine family.

(c) The rebuilding requirements of 40 CFR 1068.120 do not apply to remanufacturing of engines using a certified remanufacturing system under this subpart. However, the requirements of 40 CFR 1068.120 do apply to all other remanufacturing of engines.

(d) Unless specified otherwise, engines certified under this subpart are also subject to the other requirements of this part.

(e) For remanufactured engines required to have a valid certificate of

conformity, placing a new marine engine back into service following remanufacturing is a violation of 40 CFR 1068.101(a)(1), unless it has a valid certificate of conformity for its model year and the required label.

(f) Remanufacturing systems that require a fuel change or use of a fuel additive may be certified under this part. However, they are not considered to be “available” with respect to triggering the requirement for an engine to be covered by a certificate of conformity under §1042.815. The following provisions apply:

(1) Only fuels and additives registered under 40 CFR part 79 may be used under this paragraph (f).

(2) You must demonstrate in your application that the fuel or additive will actually be used by operators, including a description of how the vessels and dispensing tanks will be labeled. We may require you to provide the labels to the operators.

(3) You must also describe analytical methods that can be used by EPA or others to verify that fuel meets your specifications.

(4) You must provide clear instructions to the operators specifying that they may only use the specified fuel/additive, label their vessels and fuel dispensing tanks, and keep records of their use of the fuel/additive in order for their engine to be covered by your certificate. Use of the incorrect fuel (or fuel without the specified additive) or any other failure to comply with the requirements of this paragraph is a violation of 40 CFR 1068.101(b)(1).

(g) Vessels equipped with emission controls as part of a state or local retrofit program prior to January 1, 2017 are exempt from the requirements of this subpart, as specified in this paragraph (g).

(1) This exemption only applies for retrofit programs sponsored by a state government (or one of its political subdivisions) for the purpose of reducing emissions. The exemption does not apply where the sponsoring government specifies that inclusion in the retrofit program is not intended to provide an exemption from the requirements of this subpart.

(2) The prohibitions against tampering and defeat devices in 40 CFR

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1068.101(b) and the rebuilding requirements in 40 CFR 1068.120 apply for the exempt engines in the same manner as if they were covered by a certificate.

(3) Vessel owners must request an exemption prior to remanufacturing the engine. Your request must include documentation that your vessel has been retrofitted consistent with the specifications of paragraph (g)(1) of this section, and a signed statement declaring that to be true. Except for the initial request for a specific vessel and a specific retrofit, you may consider your request to be approved unless we notify you otherwise within 30 days of the date that we receive your request.

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

§ 1042.810 Requirements for owner/operators and installers during remanufacture.

This section describes how the remanufacturing regulations affect owner/operators and installers for engines subject to this subpart.

(a) See the definition of “remanufacture” in § 1042.901 to determine if you are remanufacturing your engine. (NOTE: Replacing cylinders one at a time may qualify as remanufacturing, depending on the interval between replacement.)

(b) See the definition of “new marine engine” in § 1042.901 to determine if remanufacturing your engine makes it subject to the requirements of this part. If the engine is considered to be new, it is subject to the certification requirements of this subpart, unless it is exempt under subpart G of this part.

(c) Your engine is not subject to the standards of this part if we determine that no certified remanufacturing system is available for your engine as described in § 1042.815. For engines that are remanufactured during multiple events within a five-year period, you are not required to use a certified system until all of your engine’s cylinders have been replaced after the system became available. For example, if you remanufacture your 16-cylinder engine by replacing four cylinders each January and a system becomes available for your engine June 1, 2010, your engine must be in a certified configuration

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when you replace four cylinders in January of 2014. At that point, all 16 cylinders would have been replaced after June 1, 2010.

(d) You may comply with the certification requirements of this part for your remanufactured engine by either obtaining your own certificate of conformity as specified in subpart C of this part or by having a certifying remanufacturer include your engine under its certificate of conformity. In either case, your remanufactured engine must be covered by a certificate before it is reintroduced into service.

(e) Contact a certifying remanufacturer to have your engine included under its certificate of conformity. You must comply with the certificate holder’s emission-related installation instructions.

§ 1042.815 Demonstrating availability.

(a) A certified remanufacturing system is considered to be available for a specific engine only if EPA has certified the remanufacturing system as being in compliance with the provisions of this part and the certificate holder has demonstrated during certification that the system meets the criteria of this paragraph (a). We may issue a certificate for a remanufacturing system that does not meet these criteria, but such systems would not be considered available.

(1) The engine configuration must be included in the engine family for the remanufacturing system.

(2) The total marginal cost of the remanufacturing system, as calculated under paragraph (c) of this section, must be less than \$45,000 per ton of PM reduction.

(3) It must be possible to obtain and install the remanufacturing system in a timely manner consistent with normal remanufacturing procedures. For example, a remanufacturing system would generally not be considered to be available if it required that the engine be removed from the vessel and shipped to a factory to be remanufactured.

(4) The remanufacturing system may result in increased maintenance costs, provided the incremental maintenance costs are included in the total costs. The remanufacturing system may not adversely affect engine reliability or