

and use emission credits to certify their engines.

**§ 1039.15 Do any other regulation parts apply to me?**

(a) Part 1065 of this chapter describes procedures and equipment specifications for testing engines. Subpart F of this part describes how to apply the provisions of part 1065 of this chapter to show your engines meet the emission standards in this part.

(b) The requirements and prohibitions of part 1068 of this chapter apply to everyone, including anyone who manufactures, imports, installs, owns, operates, or rebuilds any of the engines subject to this part 1039, or equipment containing these engines. Part 1068 of this chapter describes general provisions, including these seven areas:

(1) Prohibited acts and penalties for engine manufacturers, equipment manufacturers, and others.

(2) Rebuilding and other aftermarket changes.

(3) Exclusions and exemption for certain engines.

(4) Importing engines.

(5) Selective enforcement audits of your production.

(6) Defect reporting and recall.

(7) Procedures for hearings.

(c) Other parts of this chapter apply if referenced in this part.

**Subpart B—Emission Standards and Related Requirements**

**§ 1039.101 What exhaust emission standards must my engines meet?**

The exhaust emission standards of this section apply for the model years

noted and later. See § 1039.102 and 40 CFR 89.112 for exhaust emission standards that apply to earlier model years.

(a) *Emission standards for transient testing.* Transient exhaust emissions from your engines may not exceed the applicable emission standards listed in Table 1 of this section. Measure emissions using the applicable transient test procedures described in subpart F of this part.

(b) *Emission standards for steady-state testing.* Steady-state exhaust emissions from your engines may not exceed the applicable emission standards listed in Table 1 of this section. Measure emissions using the applicable steady-state test procedures described in subpart F of this part.

TABLE 1 OF § 1039.101.—TIER 4 EXHAUST EMISSIONS STANDARDS

Engine power	Model year	Emissions standard g/kW-hr				
		PM	NO <sub>x</sub>	NMHC	NO <sub>x</sub> +NMHC	CO
kW < 19 <sup>1</sup> .....	2008	<sup>2</sup> 0.40	.....	.....	7.5	6.6
19 ≤ kW < 56 .....	2013	0.03	.....	.....	4.7	5.0
56 ≤ kW < 130 .....	2014	0.02	0.40	0.19	.....	5.0
130 ≤ kW ≤ 560 .....	2014	0.02	0.40	0.19	.....	3.5
kW > 560 .....	2014	0.02	0.40	0.19	.....	3.5

<sup>1</sup> Paragraph (a) of this section does not apply for engines under 19 kW until model year 2013.

<sup>2</sup> See paragraph (j) of this section for provisions related to an optional PM standard for engines under 8 kW.

(c) *Averaging banking and trading.* In lieu of the NO<sub>x</sub>, NO<sub>x</sub>+NMHC, or PM standards in Table 1 of this section, you may choose to include an engine family in the averaging, banking, and trading (ABT) program provided in subpart H of this part. This requires that you specify

a single family emission limit (FEL) for each pollutant for each engine family included in the ABT program. These FELs are the applicable emission standards for the engine family with respect to both transient testing and steady-state testing under paragraphs (a)

and (b) of this section. The FELs will also define the NTE standards for your engine family, as specified in paragraph (d) of this section. The FEL may not be higher than the limits in Table 2 of this section, except as allowed by paragraph (i) of this section.

TABLE 2 OF § 1039.101.—TIER 4 FEL CAPS

Engine power	Emission g/kW-hr		
	PM	NO <sub>x</sub>	NO <sub>x</sub> +NMHC
kW < 8 .....	0.80	.....	10.5
8 ≤ kW < 19 .....	0.80	.....	9.5
19 ≤ kW < 56 .....	0.05	.....	7.5
56 ≤ kW < 130 .....	0.04	0.80	.....
130 ≤ kW < 560 .....	0.04	0.80	.....
kW ≥ 560 .....	0.04	0.80	.....

(d) *Not-to-exceed standards.* (1) Exhaust emissions from the engine may not exceed the applicable NTE standards. Measure emissions according to the procedures specified § 1039.515.

(2) The NTE standard, rounded to the same number of decimal places as the applicable standard in Table 1 of this

section, is determined from the following equation:  
NTE standard for each pollutant = (STD) × (M)

Where:

(i) STD = The standard specified for that pollutant in Table 1 of this section if you certify without using ABT for that pollutant, or the FEL

for that pollutant if you certify using ABT.

(ii) M = The NTE multiplier for that pollutant, as defined in paragraph (d)(3) of this section.

(3) The NTE multiplier for each pollutant equals 1.25, except in the following cases: