

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.

§ 1039.120 What emission-related warranty requirements apply to me?

(a) *General requirements.* You must warrant to the ultimate purchaser and

each subsequent purchaser that the new nonroad engine, including all parts of its emission-control system, meets two conditions:

(1) It is designed, built, and equipped so it conforms at the time of sale to the ultimate purchaser with the requirements of this part.

(2) It is free from defects in materials and workmanship that may keep it from meeting these requirements.

(b) *Warranty period.* Your emission-related warranty must be valid for at least as long as the minimum warranty periods listed in this paragraph (b) in hours of operation and years, whichever

comes first. You may offer an emission-related warranty more generous than we require. The emission-related warranty for the engine may not be shorter than any published warranty you offer for the engine. If you provide a longer warranty (with or without charge) for any components covered in paragraph (c) of this section, you must also extend the emission-related warranty to the same degree for the same components. If an engine has no hour meter, we base the warranty periods in this paragraph (b) only on the engine's age (in years). The minimum warranty periods are shown in the following table:

If your engine is certified as . . .	And its maximum power is . . .	And its rated speed is . . .	Then its warranty period is . . .
Variable speed or constant speed.	Less than 19 kW	Any speed	1,500 hours or two years, whichever comes first.
Constant speed	At least 19 kW, but less than 37 kW.	3,000 rpm or higher	1,500 hours or two years, whichever comes first.
Constant speed	At least 19 kW, but less than 37 kW.	Less than 3,000 rpm	3,000 hours or five years, whichever comes first.
Variable speed	At least 19 kW, but less than 37 kW.	Any speed	3,000 hours or five years, whichever comes first.
Variable speed or constant speed.	37 kW or higher	Any speed	3,000 hours or five years, whichever comes first.

(c) *Components covered.* The emission-related warranty covers all components whose failure would increase an engine's emissions. This includes components listed in 40 CFR 1068, Appendix I, and components from any other system you develop to control emissions. The emission-related warranty covers these components even if another company produces the component. Your emission-related warranty does not cover components whose failure would not increase an engine's emissions.

(d) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem, as described in 40 CFR 1068.115.

§ 1039.125 What maintenance instructions must I give to buyers?

Give the ultimate purchaser of each new nonroad engine written instructions for properly maintaining and using the engine, including the emission-control system. The maintenance instructions also apply to service accumulation on your test engines, as described in 40 CFR part 1065, subpart E.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of air-induction, fuel-system, or ignition components, aftertreatment devices, exhaust-gas recirculation systems, crankcase ventilation valves, sensors, or

electronic control units. This may also include any other component whose only purpose is to reduce emissions or whose failure will increase emissions without significantly degrading engine performance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

(1) You may ask us to approve critical emission-related maintenance only if operators are reasonably likely to do the maintenance you call for.

(2) We will accept scheduled maintenance as reasonably likely to occur in use if you satisfy any of four conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the engine's performance.

(ii) You present survey data showing that 80 percent of engines in the field get the maintenance you specify at the recommended intervals.

(iii) You provide the maintenance free of charge and clearly say so in maintenance instructions for the customer.

(iv) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

(3) For engine's with maximum power below 130 kW, you may not schedule emission-related maintenance more frequently than the following minimum intervals, except as specified in paragraph (a)(5) of this section:

(i) For EGR-related filters and coolers, PCV valves, and fuel injector tips (cleaning only), the minimum interval is 1,500 hours.

(ii) For fuel injectors, turbochargers, catalytic converter, electronic engine control units (and associated sensors and actuators), particulate traps, trap oxidizers, and related components (cleaning and repair only), EGR system (including related components, but excluding filters and coolers), and other add-on emission-related components, the minimum interval is 3,000 hours.

(4) For engine's with maximum power at or above 130 kW, you may not schedule emission-related maintenance more frequently than the following minimum intervals, except as specified in paragraph (a)(5) of this section:

(i) For EGR-related filters and coolers, PCV valves, and fuel injector tips (cleaning only), the minimum interval is 1,500 hours.

(ii) For fuel injectors, turbochargers, catalytic converter, electronic engine control units (and associated sensors and actuators), particulate traps, trap oxidizers, and related components (cleaning and repair only), EGR system (including related components, but excluding filters and coolers), and other add-on emission-related components, the minimum interval is 4,500 hours.

(5) If your engine family has an alternate useful life shorter than the period specified in paragraph (a)(3) or (a)(4) of this section, you may not