

40 C.F.R. § 1042.145

Interim provisions.

(a) *General.* The provisions in this section apply instead of other provisions in this part. This section describes when these interim provisions expire. Only the provisions of paragraph (h) of this section apply for Category 3 engines.

(b)-(e) [Reserved]

(f) *In-use compliance limits.* The provisions of this paragraph (f) apply for the first three model years of the Tier 4 standards. For purposes of determining compliance based on testing other than certification or production-line testing, calculate the applicable in-use compliance limits by adjusting the applicable standards/FELs. The PM adjustment does not apply for engines with a PM standard or FEL above 0.04 g/kW-hr. The NO_x adjustment does not apply for engines with a NO_x FEL above 2.7 g/kW-hr. Add the applicable adjustments in one of the following tables to the otherwise applicable standards and NTE limits. You must specify during certification which add-ons, if any, will apply for your engines.

Table 1 to § 1042.145—In-use Adjustments for the First Three Model Years of the Tier 4 Standards

Fraction of useful life already used	In-use adjustments (g/kW-hr)	
	For Tier 4 NO _x standards	For Tier 4 PM standards
0 < hours ≤ 50% of useful life	0.9	0.02
50 < hours ≤ 75% of useful life	1.3	0.02
hours > 75% of useful life	1.7	0.02

Table 2 to § 1042.145—Optional In-Use Adjustments for the First Three Model Years of the Tier 4 Standards

Fraction of useful life already used	In-use adjustments (g/kW-hr)	
	For model year 2017 and earlier Tier 4 NO _x standards	For model year 2017 and earlier Tier 4 PM standards
0 < hours ≤ 50% of useful life	0.3	0.05
50 < hours ≤ 75% of useful life	0.4	0.05
hours > 75% of useful life	0.5	0.05

(g) *Deficiencies for NTE standards.* You may ask us to accept as compliant an engine that does not fully meet specific requirements under the applicable NTE standards. Such deficiencies are intended to allow for minor deviations from the NTE standards under limited conditions. We expect your engines to have functioning emission control hardware that allows you to comply with the NTE standards.

(1) Request our approval for specific deficiencies in your application for certification, or before you submit your application. We will not approve deficiencies retroactively to cover engines already certified. In your request, identify the scope of each deficiency and describe any auxiliary emission control devices you will use to control emissions to the lowest practical level, considering the deficiency you are requesting.

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