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## 40 C.F.R. § 1068.245

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### Temporary provisions addressing hardship due to unusual circumstances.

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(a) After considering the circumstances, we may permit you to introduce into U.S. commerce engines/equipment that do not comply with emission-related requirements for a limited time if all the following conditions apply:

- (1) Unusual circumstances that are clearly outside your control prevent you from meeting requirements from this chapter.
- (2) You exercised prudent planning and were not able to avoid the violation; you have taken all reasonable steps to minimize the extent of the nonconformity.
- (3) No other allowances are available under the regulations in this chapter to avoid the impending violation, including the provisions of § 1068.250.
- (4) Not having the exemption will jeopardize the solvency of your company.

(b) If your unusual circumstances are only related to compliance with the model-year provisions of § 1068.103(f), we may grant hardship under this section without a demonstration that the solvency of your company is in jeopardy as follows:

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