

### Subpart A—General Provisions for Emission Regulations for Compression-Ignition Marine Engines

#### § 94.1 Applicability.

(a) Except as noted in paragraphs (b) and (c) of this section, the provisions of this part apply to manufacturers (including post-manufacture marinizers and dressers), rebuilders, owners and operators of:

(1) Marine engines that are compression-ignition engines manufactured (or that otherwise become new) on or after January 1, 2004;

(2) Marine vessels manufactured (or that otherwise become new) on or after January 1, 2004 and which include a compression-ignition marine engine.

(b) Notwithstanding the provision of paragraph (c) of this section, the requirements and prohibitions of this part do not apply with respect to the engines identified in paragraphs (a)(1) and (2) of this section where such engines are:

(1) Category 3 marine engines;

(2) Marine engines with rated power below 37 kW; or

(3) Marine engines on foreign vessels.

(c) The provisions of subpart L of this part apply to all persons with respect to the engines identified in paragraphs (a)(1) and (2) of this section.

(d) The provisions of this part do not apply to any persons with respect to the engines not identified in paragraphs (a)(1) and (2) of this section.

(e) The prohibition specified in § 94.1103(a)(6) applies to all persons with respect to recreational marine engines. Notwithstanding the provision of paragraph (c) of this section, requirements or prohibitions other than the prohibition specified in § 94.1103(a)(6) do not apply with respect to recreational marine engines.

#### § 94.2 Definitions.

(a) The definitions of this section apply to this subpart. They also apply to all subparts of this part, except where noted otherwise.

(b) As used in this part, all terms not defined in this section shall have the meaning given them in the Act: *Act* means the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*).

*Adjustable Parameter* means any device, system, or element of design which is physically or electronically capable of being adjusted (including those which are difficult to access) and which, if adjusted, may affect emissions or engine performance during emission testing.

*Administrator* means the Administrator of the Environmental Protection Agency or his/her authorized representative.

*Aftertreatment system or aftertreatment component or aftertreatment technology* means any system or component or technology mounted downstream of the exhaust valve or exhaust port whose design function is to reduce exhaust emissions.

*Applicable standard* means a standard to which an engine is subject; or, where an engine is certified to another standard or FEL, applicable standard means the other standard or FEL to which the engine is certified, as allowed by § 94.8. This definition does not apply to subpart D of this part.

*Auxiliary engine* means a marine engine that is not a propulsion engine.

*Auxiliary emission control device (AECD)* means any element of design which senses temperature, vessel speed, engine RPM, atmospheric pressure, manifold pressure or vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system (including, but not limited to injection timing); or any other feature that causes in-use emissions to be higher than those measured under test conditions.

*Averaging* means the exchange of emission credits among engine families within a given manufacturer's product line.

*Banking* means the retention of emission credits by a credit holder for use in future calendar year averaging or trading as permitted by the regulations in this part.

*Base engine* means a land-based engine to be marinized, as configured prior to marinization.

*Blue Sky Series engine* means an engine meeting the requirements of § 94.7(e).

*Calibration* means the set of specifications, including tolerances, specific to