

**Environmental Protection Agency**

**§ 94.5**

(c) To assert that information submitted pursuant to this part is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this part is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR part 2, subpart B.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

**§ 94.5 Reference materials.**

(a) The documents in paragraph (b) of this section have been incorporated by

reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M Street, SW., Washington, DC 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part:

(1) *ASTM material.* The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of the part, other than this section, in which the matter is referenced. The second column is presented for information only and may not be all-inclusive. More recent versions of these standards may be used with advance approval of the Administrator. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428. The table follows:

Document number and name	40 CFR part 94 reference
ASTM D 86-97: "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure".	§ 94.108 to Subpart D.
ASTM D 93-97: "Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester".	§ 94.108 to Subpart D.
ASTM D 129-95: "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)".	§ 94.108 to Subpart D.
ASTM D 287-92: "Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products" (Hydrometer Method).	§ 94.108 to Subpart D.
ASTM D 445-97: "Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity)".	§ 94.108 to Subpart D.
ASTM D 613-95: "Standard Test Method for Cetane Number of Diesel Fuel Oil".	§ 94.108 to Subpart D.
ASTM D 1319-98: "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption".	§ 94.108 to Subpart D.
ASTM D 2622-98: "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry".	§ 94.108 to Subpart D.
ASTM D 5186-96: "Standard Test Method for "Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography".	§ 94.108 to Subpart D.
ASTM E 29-93a: "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications".	§§ 94.9, 94.218, 94.305, 94.508.

**§ 94.6**

(2) [Reserved]

**§ 94.6 Regulatory structure.**

This section provides an overview of the regulatory structure of this part.

(a) The regulations of this Part 94 are intended to control emissions from in-use marine engines.

(b) The engines for which the regulations of this part (i.e., 40 CFR part 94) apply are specified by § 94.1, and by the definitions of § 94.2. The point at which an engine or vessel becomes subject to the regulations of this part is determined by the definitions of new marine engine and new marine vessel in § 94.2. Subpart J of this part contains provisions exempting certain engines and vessels from the emission standards in this part under special circumstances.

(c) To comply with the requirements of this part, a manufacturer must demonstrate to EPA that the engine meets the applicable standards of §§ 94.7 and 94.8, and all other requirements of this part. The requirements of this certification process are described in subparts C and D of this part.

(d) Subpart B of this part specifies procedures and equipment to be used for conducting emission tests for the purpose of the regulations of this part.

(e) Subparts E, F, and H of this part specify requirements for manufacturers after certification; that is during production and use of the engines.

(f) Subpart I of this part contains requirements applicable to the importation of marine engines covered by the provisions of this part.

(g) Subpart L of this part describes prohibited acts and contains other enforcement provisions relating to marine engines and vessels covered by the provisions of this part.

(h) Unless specified otherwise, the provisions of this part apply to all marine engines and vessels subject to the emission standards of this part.

**§ 94.7 General standards and requirements.**

(a) Marine engines and vessels may not be equipped with a defeat device.

(b) An engine may not be equipped with an emission control system for the purpose of complying with emission standards if such a system will cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(c) An engine with an emission control system may not emit any noxious or toxic substance which would not be emitted in the operation of the engine in the absence of such a system, except as specifically permitted by regulation.

(d) All engines subject to the emission standards of this part shall be equipped with a connection in the engine exhaust system that is located downstream of the engine and before any point at which the exhaust contacts water (or any other cooling/scrubbing medium) for the temporary attachment of gaseous and/or particulate emission sampling equipment. This connection shall be internally threaded with standard pipe threads of a size not larger than one-half inch, and shall be closed by a pipe-plug when not in use. (Equivalent connections are allowed.)

(e) Electronically controlled engines subject to the emission standards of this part shall broadcast on engine's controller area networks engine torque (as percent of maximum) and engine speed.

**§ 94.8 Exhaust emission standards.**

(a) Exhaust emissions from marine compression-ignition engines shall not exceed the applicable exhaust emission standards contained in Table A-1 as follows:

TABLE A-1.—PRIMARY TIER 2 EXHAUST EMISSION STANDARDS (G/KW-HR)

Engine size—liters/cylinder, rated power	Category	Model Year <sup>1</sup>	THC+NO <sub>x</sub> g/kW-hr	CO g/kW-hr	PM g/kW-hr
Disp. <0.9 and power ≥ 37 kW .....	Category 1 .....	2005	7.5	5.0	0.40
0.9 ≤disp. <1.2 all power levels .....	Category 1 .....	2004	7.2	5.0	0.30
1.2 ≤disp. <2.5 all power levels .....	Category 1 .....	2004	7.2	5.0	0.20
2.5 ≤disp. <5.0 all power levels .....	Category 1 .....	2007	7.2	5.0	0.20
5.0 ≤disp. <15.0 all power levels .....	Category 2 .....	2007	7.8	5.0	0.27
15.0 ≤disp. <20.0 power < 3300 kW .....	Category 2 .....	2007	8.7	5.0	0.50
15.0 ≤disp. <20.0 power ≥ 3300 kW .....	Category 2 .....	2007	9.8	5.0	0.50