

## National Security Exemption from New Source Performance Standards (NSPS) Subparts IIII and JJJJ

NSPS Subparts IIII and JJJJ are for new, reconstructed or modified internal combustion engines. These subparts allow an exemption for engines due to national security. This exemption is for engines with substantial features ordinarily associated with military combat and which is owned and/or operated by an agency of a federal government with responsibility for national defense. Engines meeting these requirements are exempted with having to request the exemption from EPA. The substantial features associated with military combat include, but not limited to, armor and permanently affixed weaponry. Agencies of a federal government with responsibility for national defense include:

- US Army (including Army National Guard)
- US Air Force (including Air National Guard)
- US Navy (including US Marine Corps)
- And Reserve units for the above military branches of service.

An owner, operator, or manufacturer may request a national security exemption from EPA if they don't meet the requirements mentioned above. The request must state the purpose for which the exemption is required. The request must also be endorsed by an agency of a federal government with responsibility for national defense.

To prevent confusion during inspections, the owner or operator of the exempted engine should document which engines have the national security exemption.

**The following scenarios will illustrate when this exemption is applied (assumes that the unit otherwise meets the applicability requirements under NSPS Subparts IIII or JJJJ, and assumes that a specific exemption wasn't requested and granted by EPA).**

### Situations when the national security exemption is applied.

- 1) If the engine is purchased with the intention for military combat (manufactured with the armor and/or weaponry) by the federal national defense agency, then the national security exemption applies if the engine is unmodified.
- 2) If a certified engine is purchased then the federal national defense agency modifies the unit with military combat features, then the national security exemption applies.

### Situations when the national security exemption is revoked.

(The engines that become subject to one of the NSPS Subpart will need to demonstrate that these engines can meet the standards. Demonstration is by stack testing engine, or by showing that the engine had been in compliance with the standard during the entire time the engine had the national security exemption.)

- 1) If an engine has been purchase from a federal national defense agency by an another federal agency (i.e. Border Patrol, Homeland Security, Secret Service) and it has military combat features, then the engine is subject to the applicable NSPS Subpart.. These federal agencies are not considered responsible for national security.
- 2) If an engine has been purchase from a federal national defense agency by a state, tribal, or local agency (i.e. State Patrol, local law enforcement – SWAT Teams) and it has military combat features, then the engine is subject to the applicable NSPS Subpart. These agencies are not federal agencies.
- 3) If the military combat features from an existing exempted engine are removed, then the engine becomes subject to the applicable NSPS Subpart.