

**§ 80.525**

fuel is downgraded pursuant to the provision of § 80.527 to motor vehicle diesel fuel subject to the 500 ppm sulfur standard;

(2) The motor vehicle diesel fuel is not represented or intended for sale or use as subject to the 15 ppm sulfur content standard, and is not dispensed, or intended to be dispensed, into model year 2007 and later motor vehicles by a retailer or wholesale purchaser-consumer; and

(3) For retailers or wholesale purchaser-consumers, the pump labeling requirements of § 80.570(a) are satisfied.

**§ 80.525 What requirements apply to kerosene blenders?**

(a) For purposes of this subpart, a kerosene blender means any refiner who produces motor vehicle diesel fuel by adding kerosene to motor vehicle diesel fuel downstream of the refinery that produced the motor vehicle diesel fuel or of the import facility where the motor vehicle diesel fuel was imported, without altering the quality or quantity of the motor vehicle diesel fuel in any other manner.

(b) Kerosene blenders are not subject to the requirements of this subpart applicable to refiners of motor vehicle diesel fuel, but are subject to the requirements and prohibitions applicable to downstream parties.

(c) For purposes of compliance with § 80.524(b)(1), the product transfer documents must indicate that the fuel to which kerosene is added complies with the 500 ppm sulfur standard for motor vehicle diesel fuel and is for use only in model year 2006 and older diesel motor vehicles, or the fuel is properly downgraded pursuant to the provisions of § 80.527 to motor vehicle diesel fuel subject to the 500 ppm sulfur standard.

(d) Kerosene that a kerosene blender adds or intends to add to motor vehicle diesel fuel subject to the 15 ppm sulfur content standard must meet the 15 ppm sulfur content standard, and the following requirements:

(1) The product transfer document received by the kerosene blender indicates that the kerosene is motor vehicle diesel fuel that complies with the 15 ppm sulfur content standard; or

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(2) The kerosene blender has test results indicating the kerosene complies with the 15 ppm sulfur standard.

**§ 80.526 [Reserved]**

**§ 80.527 Under what conditions may motor vehicle diesel fuel subject to the 15 ppm sulfur standard be downgraded as motor vehicle diesel fuel subject to the 500 ppm sulfur standard?**

(a) *Definition.* As used in this section, *downgrade* means changing the classification of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) to motor vehicle diesel fuel subject to the 500 ppm sulfur standard under § 80.520(c). A *downgrade* occurs when the change in classification takes place. Changing the classification of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) to any fuel that is not motor vehicle diesel fuel is not a *downgrade* for purposes of this section and is not limited by the provisions of this section.

(b) *Who may downgrade.* Any person in the motor vehicle diesel fuel distribution system who has custody or title to motor vehicle diesel fuel may downgrade it.

(c) *Downgrading limitation.* (1) Except as provided in paragraphs (d) and (e) of this section, a person described in paragraph (c)(4) of this section may not downgrade a total of more than 20% of the motor vehicle diesel fuel (by volume) that is subject to the 15 ppm sulfur standard of § 80.520(a)(1) while such person has title to or custody of such fuel. In addition, a refiner or importer may only downgrade (subject to the 20% limit) motor vehicle diesel fuel designated under § 80.523 as subject to 15 ppm sulfur standard under § 80.520(a)(1) after it has been so designated and after it has been moved from the refinery's, or import facility's, storage tank or other vessel where the diesel fuel batch was designated as subject to the sulfur standard of § 80.520(a) under § 80.523.

(2) The limitation of paragraph (c)(1) of this section applies separately to each person who has custody or title of the fuel when it is downgraded.

(3) Compliance with the limitation of paragraph (c)(1) of this section shall be