

§ 80.574

no less than 24-point bold type, printed in a color contrasting with the background:

(a) From June 1, 2012 through May 31, 2014, for pumps dispensing NRLM diesel fuel subject to the 15 ppm sulfur standard of § 80.510(c):

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 PPM SULFUR MAXIMUM)

Required for use in all model year 2011 and later nonroad diesel engines.

Recommended for use in all other non-highway diesel engines.

WARNING

Federal law *prohibits* use in highway vehicles or engines.

(b) The labels required by paragraph (a) of this section must be placed on the vertical surface of each pump housing and on each side that has gallon and price meters. The labels shall be on the upper two-thirds of the pump, in a location where they are clearly visible.

(c) Alternative labels to those specified in paragraph (a) of this section may be used as approved by the Administrator.

[69 FR 39183, June 29, 2004]

EFFECTIVE DATE NOTE: At 69 FR 39183, June 29, 2004, § 80.573 was added, effective Aug. 30, 2004.

§ 80.574 What labeling requirements apply to retailers and wholesale purchaser-consumers of NRLM diesel fuel, or heating oil beginning June 1, 2014?

Any retailer or wholesale purchaser-consumer who sells, dispenses, or offers for sale or dispensing nonroad, locomotive or marine (NRLM) diesel fuel (including nonroad (NR) and locomotive or marine (LM)), or heating oil, must prominently and conspicuously display in the immediate area of each pump stand from which non-highway diesel fuel is offered for sale or dispensing, one of the following legible labels, as applicable, in block letters of no less than 24-point bold type, printed in a color contrasting with the background:

(a) From June 1, 2014 and beyond, for pumps dispensing NRLM diesel fuel subject to the 15 ppm sulfur standard of § 80.510(c):

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ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 PPM SULFUR MAXIMUM)

Required for use in all nonroad diesel engines.

Recommended for use in all locomotive and marine diesel engines.

WARNING

Federal law *prohibits* use in highway vehicles or engines.

(b) From June 1, 2014 and beyond, for pumps dispensing LM diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a):

LOW SULFUR LOCOMOTIVE OR MARINE DIESEL FUEL (500 PPM SULFUR MAXIMUM)

WARNING

Federal law *prohibits* use in nonroad engines or in highway vehicles or engines.

Its use may damage these engines.

(c) The labels required by paragraphs (a) and (b) of this section must be placed on the vertical surface of each pump housing and on each side that has gallon and price meters. The labels shall be on the upper two-thirds of the pump, in a location where they are clearly visible.

(d) Alternative labels to those specified in paragraphs (a) and (b) of this section may be used as approved by the Administrator.

[69 FR 39183, June 29, 2004]

EFFECTIVE DATE NOTE: At 69 FR 39183, June 29, 2004, § 80.574 was added, effective Aug. 30, 2004.

§§ 80.575-80.579 [Reserved]

SAMPLING AND TESTING

§ 80.580 What are the sampling and testing methods for sulfur?

(a) *Diesel fuel and diesel fuel additives.* For purposes of §§ 80.520 and 80.521, the sulfur content of diesel and diesel fuel additives is to be determined in accordance with this section.

(1) *Sampling method.* The applicable sampling methodology provided in § 80.330(b).

(2) *Test method for sulfur.* (i) For diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.520(a)(1), the American Society for Testing and Materials (ASTM) standard method D 6428-99, entitled "Test

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Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection.”

(ii) For diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), ASTM standard method D 2622-98, “Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.”

(3) *Alternative test methods for sulfur.*

(i) For diesel fuel and diesel fuel additives subject to the 15 ppm standard of § 80.520(a)(1), sulfur content may be determined using ASTM D 5453-99, entitled “Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence,” or ASTM D 3120-96, entitled “Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry,” provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (a)(2) of this section.

(ii) For diesel fuel and diesel fuel additives subject to the 500 ppm standard of § 80.520(c), sulfur content may be determined using ASTM D 5453-99, “Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence,” or ASTM D 6428-00, entitled “Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection,” provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (a)(2) of this section.

(4) *Adjustment Factor for downstream test results.* An adjustment factor of negative 2 ppm shall be applied to the test results, to account for test variability, but only for testing of motor vehicle diesel fuel identified as subject to the 15 ppm sulfur standard of § 80.520(a)(1), at a downstream location as defined in § 80.500(f).

(b) *Incorporation by reference.* ASTM Standard Methods D 2622-98, “Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry,” D 3120-96, “Standard Test Method for

Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry,” D 6428-99, “Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection,” and D 5453-00, “Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence,” are incorporated by reference. This 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 obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Section (LE-131), Room M-1500, U.S. Environmental Protection Agency, Docket No. A-99-06, 401 M Street, SW, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

EFFECTIVE DATE NOTE: At 69 FR 39184, June 29, 2004, § 80.580 was revised, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 80.580 What are the sampling and testing methods for sulfur?

The sulfur content of diesel fuel and diesel fuel additives is to be determined in accordance with this section.

(a) *Sampling method.* The applicable sampling methodology is provided in § 80.330(b).

(b) *Test method for sulfur.* (1) Until December 27, 2004, for motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.520(a)(1), sulfur content may be determined using ASTM D 6428-99.

(2) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), and NRLM diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a)(1), sulfur content may be determined using ASTM D 2622-03.

(3) Beginning August 30, 2004, for motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm sulfur standard of § 80.520(a)(1), sulfur content may be determined using any test method approved under § 80.585.

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(4) Beginning August 30, 2004, for NRLM diesel fuel and diesel fuel additives subject to the 15 ppm standard of § 80.510(b), sulfur content may be determined using any test method approved under § 80.585.

(c) *Alternative test methods for sulfur.* (1) Until December 27, 2004, for motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm standard of § 80.520(a)(1), sulfur content may be determined using ASTM D 5453–03a or ASTM D 3120–03a, provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (a)(2) of this section.

(2) *Options for testing sulfur content of 500 ppm diesel fuel.* (i) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), and for NRLM diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a), sulfur content may be determined using ASTM D 4294–03, ASTM D 5453–03a, or ASTM D 6428–99, provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (a)(2)(ii) of this section; or (ii) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), and for NRLM diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a), sulfur content may be determined using any test method approved under § 80.585.

(d) *Adjustment Factor for downstream test results.* An adjustment factor of negative two ppm sulfur shall be applied to the test results, to account for test variability, but only for testing of motor vehicle diesel fuel or NRLM diesel fuel identified as subject to the 15 ppm sulfur standard of § 80.510(b) or § 80.520(a)(1).

(e) *Materials incorporated by reference.* The Director of the Federal Register approved the incorporation by reference of the documents listed in this section as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) *ASTM material.* Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428.

(i) ASTM D 2622–03, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.

(ii) ASTM D 3120–03a, Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry.

(iii) ASTM D 4294–03, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.

(iv) ASTM D 5453–03a, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Motor Oils by Ultraviolet Fluorescence.

(v) ASTM D 6428–99, Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection.

(2) [Reserved]

§ 80.581 What are the batch testing and sample retention requirements for motor vehicle and NRLM diesel fuel?

(a) Beginning on June 1, 2006 or earlier pursuant to § 80.531 for motor vehicle diesel fuel, and beginning June 1, 2010 or earlier pursuant to § 80.535 for NRLM diesel fuel, each refiner and importer shall collect a representative sample from each batch of motor vehicle or NRLM diesel fuel produced or imported and subject to the 15 ppm sulfur content standard. Batch, for the purposes of this section, means batch as defined under § 80.2 but without the reference to transfer of custody from one facility to another facility.

(b) Except as provided in paragraph (c) of this section, the refiner or importer shall test each sample collected pursuant to paragraph (a) of this section to determine its sulfur content for compliance with the requirements of this subpart prior to the diesel fuel leaving the refinery or import facility, using an appropriate sampling and testing method as specified in § 80.580.

(c)(1) Any refiner who produces motor vehicle or NRLM diesel fuel using computer-controlled in-line blending equipment, including the use of an on-line analyzer test method that is approved under the provisions of § 80.580, and who, subsequent to production of the diesel fuel batch tests a composited sample of the batch under the provisions of § 80.580 for purposes of designation and reporting, is exempt from the requirement of paragraph (b) of this section to obtain the test result required under this section prior to the diesel fuel leaving the refinery, provided that the refiner obtains approval from EPA.