

## Environmental Protection Agency

## § 80.610

the date of approval, whichever occurs first, and may only be extended upon re-application consistent with all requirements of this section.

(3) The passage of 60 days will not signify the acceptance by EPA of the validity of the information in the request for an exemption. EPA may elect at any time to review the information contained in the request, and where appropriate may notify the responsible person of disapproval of the exemption.

(4) In granting an exemption the Administrator may include terms and conditions, including replacement of emission control devices or elements of design, that the Administrator determines are necessary for monitoring the exemption and for assuring that the purposes of this subpart are met.

(5) Any violation of a term or condition of the exemption, or of any requirement of this section, will cause the exemption to be void *ab initio*.

(6) If any information required under paragraph (c) of this section should change after approval of the exemption, the responsible person must notify EPA in writing immediately. Failure to do so may result in disapproval of the exemption or may make it void *ab initio*, and may make the party liable for a violation of this subpart.

(f) *Effects of exemption.* Motor vehicle diesel fuel or NRLM diesel fuel that is subject to a research and development exemption under this section is exempt from other provisions of this subpart provided that the fuel is used in a manner that complies with the purpose of the program under paragraph (c) of this section and the requirements of this section.

(g) *Notification of completion.* The party shall notify EPA in writing within 30 days after completion of the research and development program.

[69 FR 39202, June 29, 2004]

EFFECTIVE DATE NOTE: At 69 FR 39202, June 29, 2004, § 80.607 was added, effective Aug. 30, 2004.

### § 80.608 What requirements apply to diesel fuel for use in the Territories?

The sulfur standards of § 80.520(a)(1) and (c) related to motor vehicle diesel fuel, and of § 80.510(a), (b), and (c) related to NRLM diesel fuel, do not apply

to diesel fuel that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in the Territories of Guam, American Samoa or the Commonwealth of the Northern Mariana Islands, provided that such diesel fuel is—

(a) Designated by the refiner or importer as high sulfur diesel fuel only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(b) Used only in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(c) Accompanied by documentation that complies with the product transfer document requirements of § 80.590(b)(1); and

(d) Segregated from non-exempt MVNRLM diesel fuel at all points in the distribution system from the point the diesel fuel is designated as exempt fuel only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, while the exempt fuel is in the United States but outside these Territories.

[69 FR 39203, June 29, 2004]

EFFECTIVE DATE NOTE: At 69 FR 39203, June 29, 2004, § 80.608 was added, effective Aug. 30, 2004.

### § 80.609 [Reserved]

#### VIOLATION PROVISIONS

### § 80.610 What acts are prohibited under the diesel fuel sulfur program?

No person shall:

(a) *Standard or dye violation.* Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport motor vehicle diesel fuel that does not comply with the applicable standards and dye requirements under § 80.520.

(b) *Additive violation.* (1) Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport any motor vehicle diesel fuel additive for use at a downstream location that does not comply with the requirements under § 80.521(a) or (b), as applicable.

(2) Blend or permit the blending into motor vehicle diesel fuel at a downstream location, or use, or permit the