## Environmental Protection Agency

1,000 ppm SULFUR ECA MARINE FUEL (1,000 ppm Sulfur Maximum)

For use in Category 3 (C3) marine vessels only.

### WARNING

Federal law prohibits use in any engine that is not installed on a C3 marine vessel; use of fuel oil with a sulfur content greater than 1,000 ppm in an ECA is prohibited except as allowed by 40 CFR Part 1043.

(2) The labels required by paragraph (a)(1) 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.

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

(1) For U.S. Mail: U.S. EPA, Attn: Diesel Sulfur Alternative Label Request, 6406J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(2) For overnight or courier services: U.S. EPA, Attn: Diesel Sulfur Alternative Label Request, 6406J, 1310 L Street, NW., 6th Floor, Washington, DC 20005. (202) 343-9038.

[75 FR 22971, Apr. 30, 2010]

# §§ 80.575–80.579 [Reserved]

#### SAMPLING AND TESTING

# **\$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) For ECA marine fuel subject to the 1,000 ppm sulfur standard of §80.510(k), sulfur content may be determined using ASTM D2622 (incorporated by reference, see paragraph (e) of this section).

(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 D2622 (incorporated by reference, see paragraph (e) of this section).

(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.

(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) Options for testing sulfur content of 1,000 ppm diesel fuel. (i) For ECA marine fuel subject to the 1,000 ppm sulfur standard of §80.510(k), sulfur content may be determined using ASTM D4294, ASTM D5453, or ASTM D6920 (all incorporated by reference, see paragraph (e) of this section), provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (b)(1) of this section; or

(ii) For ECA marine fuel subject to the 1,000 ppm sulfur standard of §80.510(k), sulfur content may be determined using any test method approved under §80.585.

(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 D4294, ASTM D5453, or ASTM D6920 (all incorporated by reference, see paragraph (e) of this section), provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (b)(2) 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. (1) Except as specified in paragraph (d)(1)(i) of this section, an adjustment factor of negative two ppm

sulfur shall be applied to the test results from any testing of motor vehicle diesel fuel or NRLM diesel fuel downstream of the refinery or import facility, 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).

(i) Prior to October 15, 2008 an adjustment factor of negative three 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).

(ii) [Reserved]

(2) In addition to the adjustment factor provided in paragraph (d)(1)(i) of this section, prior to September 1, 2006, an adjustment factor of negative 7 ppm shall be applied to the test results from any testing of motor vehicle diesel fuel downstream of the refinery or import facility, to facilitate the transition to ULSD fuel, but only for testing of motor vehicle diesel fuel identified as subject to the 15 ppm sulfur standard of §80.520(a)(1).

(3) In addition to the adjustment factor provided in paragraph (d)(1)(i) of this section, prior to October 15, 2006, an adjustment factor of negative 7 ppm shall be applied to the test results from any testing of motor vehicle diesel fuel at any retail outlet or wholesale purchaser-consumer facility, to facilitate the transition to ULSD fuel, but only for testing of motor vehicle diesel fuel identified as subject to the 15 ppm sulfur standard of §80.520(a)(1).

(e) Materials incorporated by reference. The Director of the Federal Register approved the incorporation by reference of the document 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, under EPA docket ID Number EPA-HQ-OAR-2008-0558, or at the National Archives and Records Administration (NARA). The telephone number for the Air Docket Public Reading Room is (202) 566-1742. For information on the availability of this material at

40 CFR Ch. I (7–1–12 Edition)

NARA, call 202-741-6030 or go to: http:// www.archives.gov/federal\_register/

code\_of\_federal\_regulations/

*ibr\_locations.html*. For further information on these test methods, please contact the Environmental Protection Agency at 734–214–4582.

(1) ASTM material. Anyone may purchase copies of these materials from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959, or by contacting ASTM customer service at 610-832-9585, or by contacting the email address of service@astm.org from the ASTM Web site of http:// www.astm.org.

(i) ASTM standard method D2622-05 ("ASTM D2622"), Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, approved November 1, 2005.

(ii) [Reserved]

(iii) ASTM standard method D4294-03 ("ASTM D4294), Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry, approved November 1, 2003.

(iv) ASTM standard method D5453-08a ("ASTM D5453"), Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence, approved February 1, 2008.

(v) ASTM standard method D6920-07 ("ASTM D6920"), Standard Test Method for Total Sulfur in Naphthas, Distillates, Reformulated Gasolines, Diesels, Biodiesels, and Motor Fuels by Oxidative Combustion and Electrochemical Detection, approved December 1, 2007.

(2) [Reserved]

[69 FR 39184, June 29, 2004, as amended at 70
FR 40896, July 15, 2005; 70 FR 70510, Nov. 22,
2005; 71 FR 16500, Apr. 3, 2006; 71 FR 25719,
May 1, 2006; 73 FR 74357, Dec. 8, 2008; 75 FR
22971, Apr. 30, 2010]