

§ 80.586 What are the record retention requirements for test methods approved under this subpart?

Each individual test facility must retain records related to the establishment of accuracy and precision values, all test method documentation, and any quality control testing and analysis under §§ 80.582, 80.584 and 80.585, for five years.

[69 FR 39188, June 29, 2004]

§§ 80.587–80.589 [Reserved]

RECORDKEEPING AND REPORTING
REQUIREMENTS

§ 80.590 What are the product transfer document requirements for motor vehicle diesel fuel, NRLM diesel fuel, heating oil, ECA marine fuel, and other distillates?

(a) This paragraph (a) applies on each occasion that any person transfers custody or title to MVNRLM diesel fuel, heating oil, or ECA marine fuel (including distillates used or intended to be used as MVNRLM diesel fuel, heating oil, or ECA marine fuel) except when such fuel is dispensed into motor vehicles or nonroad equipment, locomotives, marine diesel engines or C3 vessels. Note that 40 CFR part 1043 specifies requirements for documenting fuel transfers to certain marine vessels. For all fuel transfers subject to this paragraph (a), the transferor must provide to the transferee documents which include the following information:

- (1) The names and addresses of the transferor and transferee.
- (2) The volume of diesel fuel or distillate which is being transferred.
- (3) The location of the diesel fuel or distillate at the time of the transfer.
- (4) The date of the transfer.
- (5) For transfers of MVNRLM diesel fuel or ECA marine fuel (beginning June 1, 2014), the sulfur content standard the transferor represents the fuel to meet.
- (6) Beginning June 1, 2006, when an entity, from a facility at any point in the distribution system, transfers custody of a distillate or residual fuel designated under § 80.598, the following information must also be included:

(i) The facility registration number of the transferor and transferee, for terminals and all parties upstream, under § 80.597, if any.

(ii) An accurate and clear statement of the applicable designation and/or classification under § 80.598(a) and (b), for example, “500 ppm sulfur NRLM diesel fuel”, or “jet fuel”; and whether the fuel is dyed or undyed, and for heating oil, whether marked or unmarked where applicable.

(7) For transfers of title or custody from one facility to another in the distribution system where diesel fuel or distillates are taxed, dyed or marked, and for any subsequent transfers (except when such fuel is dispensed into motor vehicles or nonroad, locomotive, or marine equipment), an accurate statement on the product transfer document of the applicable fuel uses and classifications, as follows (however, in instances where space is constrained, substantially similar language may be used following approval from EPA):

(i) *Undyed 15 ppm sulfur diesel fuel.* For the period from June 1, 2006 and beyond, “15 ppm sulfur (maximum) Undyed Ultra-Low Sulfur Diesel Fuel. For use in all diesel vehicles and engines.” From June 1, 2006 through May 31, 2010, the product transfer document must also state whether the diesel fuel is #1D or #2D, or NP diesel.

(ii) *Dyed 15 ppm sulfur diesel fuel.* From June 1, 2006 and beyond, “15 ppm sulfur (maximum) Dyed Ultra-Low Sulfur Diesel Fuel. For use in all nonroad diesel engines. Not for use in highway vehicles or engines except for tax-exempt use in accordance with section 4082 of the Internal Revenue Code.”

(iii) *Undyed 500 ppm sulfur diesel fuel.* From June 1, 2006 through September 30, 2010, “500 ppm sulfur (maximum) Undyed Low Sulfur Diesel Fuel. For use in Model Year 2006 and older diesel highway vehicles and engines. Also for use in nonroad, locomotive, and marine diesel engines. Not for use in model year 2007 and newer highway vehicles or engines.”

(iv) *Dyed 500 ppm sulfur diesel fuel.* (A) For the period of June 1, 2006 through September 30, 2010, “500 ppm sulfur (maximum) Dyed Low Sulfur Nonroad, Locomotive or Marine Diesel Fuel. Not for use in highway vehicles or engines

except for use in Model Year 2006 and older highway diesel vehicles or engines for tax-exempt use in accordance with section 4082 of the Internal Revenue Code.”

(B) From June 1, 2010 through September 30, 2014, “500 ppm sulfur (maximum) Dyed Low Sulfur Nonroad Diesel Fuel. For use in model year 2010 and older nonroad diesel engines. May be used in locomotive and marine diesel engines. Not for use in highway vehicles and engines or model year 2011 or later nonroad engines other than locomotive or marine diesel engines. Not for use in the Northeast/Mid-Atlantic Area.”

(C) For dyed locomotive and marine diesel fuel beginning June 1, 2010, “500 ppm sulfur (maximum) Dyed Low Sulfur Locomotive and Marine diesel fuel. Not for use in highway or other nonroad vehicles and engines.”

(v) *Dyed High Sulfur NRLM Fuel.* From June 1, 2007 through September 30, 2010, “High Sulfur Dyed Nonroad, Locomotive, or Marine Engine Diesel fuel—sulfur content may exceed 500 ppm sulfur. Not for use in highway vehicles or engines. Not for use in any nonroad engines requiring Ultra-Low Sulfur Diesel Fuel. Not for use in the Northeast/Mid-Atlantic Area.”

(vi) *Heating oil.* For heating oil produced or imported beginning June 1, 2007, “Heating Oil. Not for use in highway vehicles or engines or nonroad, locomotive, or marine engines.”

(vii) *ECA marine fuel.* For ECA marine fuel produced or imported beginning June 1, 2014, “1,000 ppm sulfur (maximum) ECA marine fuel. For use in Category 3 marine vessels only. Not for use in engines not installed on C3 marine vessels.”

(b) The following may be substituted for the descriptions in paragraph (a) of this section, as appropriate:

(1) “This is high sulfur diesel fuel for use only in Guam, American Samoa, or the Northern Mariana Islands.”;

(2) “This diesel fuel is for export use only.”;

(3) “This diesel fuel is for research, development, or testing purposes only.”; or

(4) “This diesel fuel is for use in diesel highway vehicles or nonroad equip-

ment under an EPA-approved national security exemption only.”

(c) If undyed and/or unmarked distillate fuel is dyed and/or marked subsequent to the issuance of a product transfer document, at the time the distillate fuel is dyed and/or marked, a new product transfer document must be prepared with the language under paragraph (a)(7) of this section applicable to the changed fuel and provided to subsequent transferees.

(d) Except for transfers to truck carriers, retailers or wholesale purchaser-consumers, product codes may be used to convey the information required under this section if such codes are clearly understood by each transferee. “15”, “500”, or “greater than 500” or “>500” must appear clearly on the product transfer document, and may be contained in the product code. If the designation is included in the code: codes used to convey the statement in paragraphs (a)(7)(i) and (a)(7)(ii) of this section must contain the number “15”, codes used to convey the statement in paragraphs (a)(7)(iii) and (a)(7)(iv) of this section must contain the number “500”; codes used to convey the statement in paragraph (a)(7)(v) of this section must contain the statement “greater than 500” or “>500”. If another letter, number, or symbol is being used to convey any of the statements in paragraphs (a)(7)(i), (a)(7)(ii), (a)(7)(iii), (a)(7)(iv), and/or (a)(7)(v) of this section, it must be clearly defined and denoted on the product transfer document.

(e) Beginning June 1, 2014, for ECA marine fuel only (except for transfers to truck carriers, retailers or wholesale purchaser-consumers), product codes may be used to convey the information required under this section if such codes are clearly understood by each transferee. “1000” must appear clearly on the product transfer document, and may be contained in the product code. If the designation is included in the code, codes used to convey the statement in paragraph (a)(7)(vii) of this section must contain the number “1000”. If another letter, number, or symbol is being used to convey the statement in paragraph (a)(7)(vii) of this section, it must be clearly defined

§ 80.591

40 CFR Ch. I (7–1–12 Edition)

and denoted on the product transfer document.

(f) From June 1, 2001 through May 31, 2005, any transfer subject to this section, which is also subject to the early credit provisions of §80.531(b), must comply with all applicable requirements of this section.

(g) From June 1, 2005 through May 31, 2006, any transfer subject to this section, which is also subject to the early credit requirements of §80.531(c), must comply with all applicable requirements of this section.

(h) *Mobile refuelers.* The provisions of this section shall also apply to a mobile refueler that dispenses fuel from tanker trucks or other vessels into motor vehicles, nonroad diesel engines or nonroad diesel engine equipment. Each visit by the mobile refueler to a location shall be considered a separate occasion for purposes of paragraph (a) of this section. The tank trucks used by mobile refuelers are not subject to the labeling requirements in §§80.570 through 80.574.

(i) Identifications of fuel designations can be limited to a sub-designation that accurately identifies the fuel and do not need to also include the broader designation. For example, NR diesel fuel does not also need to be designated as NRLM or MVNRLM diesel fuel.

(j) *Pipeline ticketing.* For the case where a pipeline delivers a batch of ULSD to another facility that contains slight amounts of another type of fuel from a preceding or following batch, a clear statement must be included on the PTD denoting this. When this occurs, the receiving facility must handle the fuel appropriately (*e.g.*, redesignate or downgrade any amount of fuel in that batch that does not meet the applicable sulfur standard), in accordance with the provisions of §§80.527 and 80.599.

[69 FR 39188, June 29, 2004, as amended at 70 FR 40896, July 15, 2005; 70 FR 70510, Nov. 22, 2005, as amended at 71 FR 25719, May 1, 2006; 75 FR 22972, Apr. 30, 2010]

§ 80.591 What are the product transfer document requirements for additives to be used in diesel fuel?

(a) Except as provided in paragraphs (b) and (d) of this section, on each occa-

sion that any person transfers custody or title to a diesel fuel additive that is subject to the provisions of §80.521 to a party in the additive distribution system or in the diesel fuel distribution system for use downstream of the diesel fuel refiner, the transferor must provide to the transferee documents which identify the additive, and—

(1) Identify the name and address of the transferor and transferee; the date of transfer; the location at which the transfer took place; the volume of additive transferred; and

(2) Indicate compliance with the 15 ppm sulfur standard by inclusion of the following statement: “The sulfur content of this diesel fuel additive does not exceed 15 ppm.”

(b) On each occasion that any person transfers custody or title to a diesel fuel additive subject to the requirements of §80.521(b), to a party in the additive distribution system or in the diesel fuel distribution system for use in diesel fuel downstream of the diesel fuel refiner, the transferor must provide to the transferee documents which identify the additive, and do each of the following:

(1) Identify the name and address of the transferor and transferee; the date of transfer; the location at which the transfer took place; the volume of additive transferred.

(2) Indicate the high sulfur potential of the additive by inclusion of the following statement:

This diesel fuel additive may exceed the federal 15 ppm sulfur standard. Improper use of this additive may result in non-complying diesel fuel.

(3) If the additive package contains a static dissipater additive and/or red dye having a sulfur content greater than 15 ppm, a statement must be included which accurately describes the contents of the additive package pursuant to one of the following choices:

(i) “This diesel fuel additive contains a static dissipater additive having a sulfur content greater than 15 ppm.”

(ii) “This diesel fuel additive contains red dye having a sulfur content greater than 15 ppm.”

(iii) “This diesel fuel additive contains a static dissipater additive and red dye having a sulfur content greater than 15 ppm.”