

Environmental Protection Agency

§ 80.4

is not NRLM diesel fuel (note that fuel that conforms to the requirements of NRLM diesel fuel is excluded from the definition of "ECA marine fuel" in this section without regard to its actual use). Use the distillation test method specified in 40 CFR 1065.1010 to determine the T90 of the fuel. NR diesel fuel and LM diesel fuel are subcategories of NRLM diesel fuel.

(1) Any diesel fuel that is sold for use in stationary engines that are required to meet the requirements of § 80.510(a) and/or (b), when such provisions are applicable to nonroad engines, shall be considered NRLM diesel fuel.

(2) [Reserved]

(ooo) *Nonroad (NR) diesel fuel* means any NRLM diesel fuel that is not "locomotive or marine (LM) diesel fuel."

(ppp) *Locomotive or marine (LM) diesel fuel* means any diesel fuel or other distillate fuel that is used, intended for use, or made available for use, as a fuel in locomotive or marine diesel engines, except for the following fuels:

(1) Fuel that is also used, intended for use, or made available for use in motor vehicle engines or nonroad engines other than locomotive and marine diesel engines is not LM diesel fuel.

(2) Distillate fuel with a T90 greater than 700 °F that is used only in Category 2 and 3 marine engines is not LM diesel fuel. Use the distillation test method specified in 40 CFR 1065.1010 to determine the T90 of the fuel.

(qqq) *MVNRLM diesel fuel* means any diesel fuel or other distillate fuel that meets the definition of motor vehicle (MV) or nonroad, locomotive, or marine (NRLM) diesel fuel. Motor vehicle diesel fuel, NRLM diesel fuel, NR diesel fuel, and LM diesel fuel are subcategories of MVNRLM diesel fuel.

(rrr) *Solvent yellow 124* means N-ethyl-N-[2-[1-(2-methylpropoxy)ethoxy]-4-phenylazo]-benzeneamine.

(sss) *Non-petroleum diesel (NP diesel)* means a diesel fuel that contains at least 80 percent mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats.

(ttt) *ECA marine fuel* is diesel, distillate, or residual fuel that meets the criteria of paragraph (ttt)(1) of this

section, but not the criteria of paragraph (ttt)(2) of this section.

(1) All diesel, distillate, or residual fuel used, intended for use, or made available for use in Category 3 marine vessels while the vessels are operating within an Emission Control Area (ECA) is ECA marine fuel, unless it meets the criteria of paragraph (ttt)(2) of this section.

(2) ECA marine fuel does not include any of the following fuel:

(i) Fuel that is allowed by 40 CFR part 1043 to exceed the fuel sulfur limits for operation in an ECA (such as fuel used by excluded vessels or vessels equipped with equivalent emission controls in conformance with 40 CFR 1043.55).

(ii) Fuel that conforms fully to the requirements of this part for NRLM diesel fuel (including being designated as NRLM).

(iii) Fuel used, or made available for use, in any diesel engines not installed on a Category 3 marine vessel.

(uuu) *Category 3 marine vessels*, for the purposes of this part 80, are vessels that are propelled by engines meeting the definition of "Category 3" in 40 CFR part 1042.901.

(Sec. 211, (Sec. 223, Pub. L. 95-95, 91 Stat. 764, 42 U.S.C. 7545(g)) and sec. 301(a) 42 U.S.C. 7602(a), formerly 42 U.S.C. 1857g(a)) of the Clean Air Act, as amended)

[38 FR 1255, Jan. 10, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 80.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 80.3 Test methods.

The lead and phosphorus content of gasoline shall be determined in accordance with test methods set forth in the appendices to this part.

[47 FR 765, Jan. 7, 1982]

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative, upon presentation of appropriate credentials, shall have a right to enter upon or through any refinery, retail outlet, wholesale purchaser-consumer facility, or detergent manufacturer facility; or the premises