

§ 80.609

40 CFR Ch. I (7–1–10 Edition)

exempt fuel is in the United States (or the United States Emission Control Area) but outside these Territories.

[75 FR 22976, Apr. 30, 2010]

§ 80.609 [Reserved]

VIOLATION PROVISIONS

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

No person shall—

(a) *Standard, dye, marker or product violation.*

(1) Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport motor vehicle diesel fuel, NRLM diesel fuel, ECA marine fuel or heating oil that does not comply with the applicable standards, dye, marking or any other product requirements under this subpart I and 40 CFR part 69, except as allowed by 40 CFR part 1043 for ECA marine fuel.

(2) Beginning June 1, 2007, produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport any diesel fuel for use in motor vehicle or nonroad engines that contains greater than 0.10 milligrams per liter of solvent yellow 124, except for 500 ppm sulfur diesel fuel produced or imported from June 1, 2010 through September 30, 2012 for use only in locomotive or marine diesel engines that is marked under the provisions of § 80.510(e).

(3) Beginning June 1, 2007, produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport heating oil for use in any nonroad diesel engine, including any locomotive or marine diesel engine.

(b) *Designation and volume balance violation.* Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport motor vehicle diesel, NRLM diesel fuel, ECA marine fuel, heating oil or other fuel that does not comply with the applicable designation or volume balance requirements under §§ 80.598 and 80.599.

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

(2) Blend or permit the blending into motor vehicle diesel fuel, NRLM diesel fuel, or ECA marine fuel at a downstream location, or use, or permit the use, in motor vehicle diesel fuel, NRLM diesel fuel, or ECA marine fuel, of any additive that does not comply with the applicable requirements of § 80.521.

(d) *Used motor oil violation.* Introduce into the fuel system of a model year 2007 or later diesel motor vehicle or model year 2011 or later nonroad diesel engine (except for locomotive or marine engines) or other nonroad diesel engine certified for the use of 15 ppm sulfur content fuel, or permit the introduction into the fuel system of such vehicle or nonroad engine of used motor oil, or used motor oil blended with diesel fuel, that does not comply with the requirements of § 80.522.

(e) *Improper fuel usage violation.* (1) Introduce, or permit the introduction of, fuel into model year 2007 or later diesel motor vehicles, and beginning December 1, 2010 into any diesel motor vehicle, that does not comply with the standards and dye requirements of § 80.520(a) and (b);

(2) Introduce, or permit the introduction of, fuel into any nonroad diesel engine (including any locomotive or marine diesel engine) that does not comply with the applicable standards, dye and marking requirements of § 80.510(a), (d), and (e) and § 80.520(b) beginning on the following dates:

(i) This prohibition begins December 1, 2007 in the areas specified in § 80.510(g)(1) and (g)(2), except as specified in paragraph (e)(2)(ii) of this section.

(ii) This prohibition begins December 1, 2010 in the area specified in § 80.510(g)(2) for NRLM diesel fuel that is produced in accordance with a compliance plan approved under § 80.554.

(iii) This prohibition begins December 1, 2010 in all other areas.

(3) Introduce, or permit the introduction of, fuel into any nonroad diesel engine (other than locomotive and marine diesel engines) that does not comply with the applicable standards, dye and marking requirements of § 80.510(b) and (e) beginning on the following dates:

(i) This prohibition begins December 1, 2010 in the areas specified in