Environmental Protection Agency

§ 80.527

(b) Prior to the October 1, 2010 and December 1, 2010 dates specified in §80.500(d)(3) and (4), the 500 ppm sulfur content standard of §80.520(c) shall apply to motor vehicle diesel fuel at any downstream location, provided the following conditions are met:

(1) The product transfer documents comply with the requirements of §80.590, including indicating that the fuel complies with the 500 ppm sulfur standard for motor vehicle diesel fuel and is for use only in model year 2006 and older diesel motor vehicles, or the fuel is downgraded pursuant to the provision of §80.527 to motor vehicle diesel fuel subject to the 500 ppm sulfur standard;

(2) The motor vehicle diesel fuel is not represented or intended for sale or use as subject to the 15 ppm sulfur content standard, and is not dispensed, or intended to be dispensed, into model year 2007 and later motor vehicles by a retailer or wholesale purchaser-consumer; and

(3) For retailers or wholesale purchaser-consumers, the pump labeling requirements of §80.570(a) are satisfied.

§ 80.526 [Reserved]

§ 80.527 Under what conditions may motor vehicle diesel fuel subject to the 15 ppm sulfur standard be downgraded to motor vehicle diesel fuel subject to the 500 ppm sulfur standard?

(a) Definitions. As used in this section, downgrade means changing the designation or classification of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under §80.520(a)(1) to motor vehicle diesel fuel subject to the 500 ppm sulfur standard under §80.520(c). A downgrade occurs when the change in designation or classification takes place. Changing the designation or classification of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under §80.520(a)(1) to any designation or classification that is not a motor vehicle diesel fuel is not a downgrade for purposes of this section.

(b) Who is subject to the downgrade limitation: Any distributor, retailer, or wholesale purchaser consumer that takes custody of any diesel fuel designated or classified as #2D 15 ppm sulfur motor vehicle diesel fuel and delivers any diesel fuel designated or classified as #2D 500 ppm motor vehicle diesel fuel.

(c) Downgrading limitation. The provisions of this section apply beginning October 15, 2006.

(1) Except as provided in paragraphs (d) and (e) of this section, a person described in paragraph (b) of this section may not downgrade a total of more