

LOW-SULFUR LOCOMOTIVE OR MARINE DIESEL FUEL**(500 ppm Maximum)****WARNING**

Federal Law *Prohibits* Use in Other Nonroad Engines or in Highway Vehicles or Engines

May Damage Model Year 2007 and Newer Highway Diesel Engines and 2011 and Newer Nonroad Diesel Engines

For pumps dispensing high-sulfur fuel for use as heating oil, we propose that the label read as follows:

HEATING OIL (May Exceed 500 ppm Sulfur)**WARNING**

Federal Law *Prohibits* Use in Highway Vehicles or Engines, or in Nonroad, Locomotive, or Marine Engines

May Damage Engines Certified for Use on Low-Sulfur or Ultra-Low Sulfur Diesel Fuel

d. Pump Labeling Requirements for 2014 and Beyond

Beginning September 1, 2014, all nonroad fuel distributed to end-users would be required to meet the 15 ppm standard, without exception. Locomotive and marine fuel would continue to be subject to the 500 ppm standard, without exception. The pump labels for heating oil would continue to be the same as for the period 2010 through 2014.

For pumps dispensing nonroad diesel fuel, we propose that the label read as follows:

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL**(15 ppm Maximum)**

Required for all Nonroad Diesel Engines

Recommended for Use in All Nonroad, Locomotive and Marine Diesel Engines

WARNING

Not for Use in Highway Vehicles or Engines

For pumps dispensing locomotive or marine diesel fuel, we propose that the label read as follows:

LOW-SULFUR LOCOMOTIVE OR MARINE DIESEL FUEL**(500 ppm maximum)****WARNING**

Federal Law *Prohibits* Use in Other Nonroad Engines or in Highway Vehicles or Engines

May Damage Model Year 2007 and Newer Highway Diesel Engines and 2011 and Newer Nonroad Diesel Engines

For pumps dispensing high-sulfur fuel for use as heating oil, we propose that the label read the same as for that same fuel during the 2010–2014 time period, as follows:

HEATING OIL (May Exceed 500 ppm Sulfur)**WARNING**

Federal Law *Prohibits* Use in Highway Vehicles or Engines, or in Nonroad, Locomotive, or Marine Engines

May Damage Engines Certified for Use on Low-Sulfur or Ultra-Low Sulfur Diesel Fuel

e. Nozzle Size Requirements or Other Requirements To Prevent Misfueling

Like the highway diesel fuel program, the proposed NRLM diesel fuel program does not include a nozzle size requirement. In part this is because we are not aware of an effective and practicable scheme to prevent misfueling through the use of different nozzle sizes or shapes, and in part because we do not believe that improper fueling would be a significant enough problem to warrant such an action. In the preamble to the highway diesel fuel rule, we stated our belief that the use of unique nozzles, color-coded scuffguards, or dyes to distinguish the grades of diesel fuel may be useful in preventing accidental use of the wrong fuel. (See 66 FR 5119, January 18, 2001.) However, we did not finalize any such requirements, for the reasons described in the RIA for that final rule (Chapter IV.E.).

Similar reasoning applies to the proposed NRLM diesel fuel program. For example, 15 ppm diesel fuel would be the dominant fuel in the market by 2010, likely comprising more than 80 percent of all number 2 distillate. Furthermore, after 2010, we believe that 500 ppm diesel fuel would have limited availability until 2014. High-sulfur distillate for heating oil uses would remain, but will only exist in significant volumes in certain parts of the country. In any event, we believe that most owners and operators of new nonroad diesel engines and equipment would

not risk voiding the general warranty and the emissions warranty by misfueling.

Although in the highway diesel fuel rule we did not finalize any provisions beyond fuel pump labeling requirements, we recognized that some potential for misfueling would still exist. Consequently, we expressed a desire to continue to explore with industry simple, cost-effective approaches that could further minimize misfueling potential such as color-coded nozzles/scuff guards. Since the highway diesel rule was promulgated, we have had discussions with fuel retailers, wholesale purchaser-consumers, vehicle manufacturers, and nozzle manufacturers and continue to examine different methods for preventing accidental or intentional misfueling under the highway diesel fuel sulfur program. To date, no consensus exists among the affected stakeholders, including engine and truck manufacturers, truck operators, fuel retailers, and fuel nozzle manufacturers. However, we will continue discussions with these and other stakeholders. We will consider any new developments that result from these highway discussions in a future nonroad action.

3. Use of Used Motor Oil in New Nonroad Diesel Equipment

We understand that used motor oil is sometimes blended with diesel fuel for use as fuel in nonroad diesel equipment. Such practices include blending used motor oil directly into the equipment fuel tank, blending it into the fuel storage tanks, and blending small amounts of motor oil from the engine crank case into the fuel system as the equipment is operated.

However, motor oil normally contains high levels of sulfur. Thus, the addition of used motor oil to nonroad diesel fuel could substantially impair the sulfur-sensitive emissions control equipment expected to be used by engine manufacturers to meet the emissions standards proposed in today's NPRM. Depending on how the oil is blended, it could increase the sulfur content of the fuel by as much as 200 ppm. As a result, we believe blending used motor oil into nonroad diesel fuel could render inoperative the expected emission control technology and potentially cause driveability problems. It should be prohibited as a violation of the tampering prohibition in the Act. See CAA Sections 203(a)(3), 213(d).

Therefore, like the highway diesel rule, this proposal would prohibit any person from introducing or causing or allowing the introduction of used motor oil, or diesel fuel containing used motor