

under the provisions of §§ 80.570(c), 80.571, 80.572, or 80.573. Any such fuel pump stand, fueling truck or tank may also be labeled with the appropriate designation of the fuel, such as “JP-5” or “JP-8”.

54. Section 80.610 is revised to read as follows:

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

Except as provided in 40 CFR 69.51 and 69.52, and in § 80.601, no person shall:

(a) *Standard, dye, marker or product segregation violation.* (1) Produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport motor vehicle, nonroad, locomotive or marine diesel fuel, or heating oil that does not comply with the applicable standards, dye, or marker requirements under §§ 80.510 or 80.520 or the product segregation requirements under §§ 80.536 and 80.554.

(2) Except as provided in paragraph (a)(3) of this section, starting June 1, 2006, produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport any diesel fuel for use in motor vehicle or nonroad, locomotive or marine engines that contains greater than 0.12 milligrams per liter of solvent yellow 124.

(3) Starting June 1, 2010, produce, import, sell, offer for sale, dispense, supply, offer for supply, store or transport any diesel fuel for use in motor vehicles or nonroad engines that contains greater than 0.12 milligrams per liter of solvent yellow 124.

(4) Sell, offer for sale, dispense, supply, offer for supply, store or transport heating oil for use in nonroad, locomotive or marine engines.

(5) Sell, offer for sale, dispense, supply, offer for supply, store or transport locomotive or marine diesel fuel produced or imported under § 80.510(c)(2) for use in nonroad engines.

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

(2) Blend or permit the blending into motor vehicle diesel fuel or nonroad diesel fuel at a downstream location, or use, or permit the use, as motor vehicle diesel fuel or nonroad diesel fuel, of any additive which does not comply with the requirements of § 80.521(a) or (b), as applicable.

(c) *Used motor oil violation.* Introduce into the fuel system of model year 2007

or later diesel motor vehicles or model year 2011 or later nonroad engines or other nonroad engines certified for the use of 15 ppm sulfur content fuel, or permit the introduction into the fuel system of such vehicles or nonroad engines of used motor oil, or used motor oil blended with diesel fuel, which does not comply with the requirements of § 80.522.

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

(2) Produce, import, sell, offer for sale, dispense, offer for supply, store, or transport for use in model year 2007 or later diesel motor vehicles, or introduce or permit the introduction into such motor vehicles, motor vehicle diesel fuel that is identified as other than diesel fuel complying with the 15 ppm sulfur standard; and beginning December 1, 2010, diesel fuel for use in or introduced into any diesel motor vehicle;

(3) Introduce, or permit the introduction of, diesel fuel into nonroad engine equipment or locomotive or marine engines which does not comply with the applicable standards, dye and marker requirements of § 80.510 or § 80.511, as applicable;

(4) Produce, import, sell, offer for sale, dispense, offer for supply, store, or transport for use in model year 2011 or later nonroad equipment diesel engines or other nonroad equipment engines certified for use of 15 ppm sulfur content fuel, or introduce or permit the introduction into such nonroad equipment engines, diesel fuel that is identified as other than diesel fuel complying with the 15 ppm sulfur standard; and beginning December 1, 2014, diesel fuel for use in or introduced into any diesel nonroad equipment;

(5) Produce, import, sell, offer for sale, dispense, offer for supply, store, or transport for use in locomotive or marine engines, or introduce or permit the introduction into locomotive or marine engines, diesel fuel not complying with the 500 ppm sulfur standard, as of the applicable dates specified in §§ 80.510 and 80.511; and beginning December 1, 2010, diesel fuel for use in any locomotive or marine engines.

(e) *Cause another party to violate.* Cause another person to commit an act in violation of paragraphs (a) through (d) of this section.

(f) *Cause violating fuel or additive to be in the distribution system.* Cause motor vehicle diesel fuel, or nonroad, locomotive or marine diesel fuel, to be in the diesel fuel distribution system which does not comply with the applicable standard, dye, marker or product segregation requirements of §§ 80.536 or 80.554 and paragraphs (a)(2) and (a)(3) of this section, or cause any motor vehicle diesel fuel additive or nonroad diesel fuel additive to be in the diesel fuel additive distribution system which does not comply with the applicable sulfur, cetane, and/or aromatics standards of § 80.521.

55. Section 80.611 is revised to read as follows:

§ 80.611 What evidence may be used to determine compliance with the prohibitions and requirements of this subpart and liability for violations of this subpart?

(a) *Compliance with sulfur, cetane, and aromatics standards and marker requirements.* Compliance with the standards in §§ 80.510, 80.520, 80.521, and 80.522 shall be determined based on the level of the applicable component or parameter, using the sampling methodologies specified in § 80.330(b), as applicable, and an approved testing methodology under the provisions of §§ 80.580–80.586 for sulfur; § 80.2(w) for cetane index; § 80.2(z) for aromatic content; and § 80.582 for fuel marker. Any evidence or information, including the exclusive use of such evidence or information, may be used to establish the level of the applicable component or parameter in the diesel fuel or additive, or motor oil to be used in diesel fuel, if the evidence or information is relevant to whether that level would have been in compliance with the standard if the regulatory sampling and testing methodology had been correctly performed. Such evidence may be obtained from any source or location and may include, but is not limited to, test results using methods other than the compliance methods in this paragraph, business records, and commercial documents.

(b) *Compliance with other requirements.* Determination of compliance with the requirements of this subpart other than the standards described in paragraph (a) of this section and in §§ 80.510, 80.520, 80.521, and 80.522, and determination of liability for any violation of this subpart, may be based on information obtained from any source or location. Such information may include, but is not limited to, business records and commercial documents.