

Westlaw

40 CFR § 80.2  
40 C.F.R. § 80.2

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**CODE OF FEDERAL REGULATIONS  
TITLE 40--PROTECTION OF ENVIRONMENT  
CHAPTER I--ENVIRONMENTAL  
PROTECTION AGENCY  
SUBCHAPTER C--AIR PROGRAMS  
PART 80--REGULATION OF FUELS AND  
FUEL ADDITIVES  
SUBPART A--GENERAL PROVISIONS  
Current through August 19, 2005; 70 FR 48656**

**§ 80.2 Definitions.**

As used in this part:

(a) Act means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) Administrator means the Administrator of the Environmental Protection Agency.

(c) Gasoline means any fuel sold in any State [FN1] for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

[FN1] State means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) Previously certified gasoline, or PCG, means gasoline or RBOB that previously has been included in a batch for purposes of complying with the standards in Subparts D, E, H, and J of this part, as appropriate.

(e) Lead additive means any substance containing lead or lead compounds.

(f) Previously designated diesel fuel or PDD means diesel fuel that has been previously designated and included by a refiner or importer in a batch for purposes of complying with the standards and requirements of subpart I of this part.

(g) Unleaded gasoline means gasoline which is produced without the use of any lead additive and which contains not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

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(h) Refinery means any facility, including but not limited to, a plant, tanker truck, or vessel where gasoline or diesel fuel is produced, including any facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel.

(i) Refiner means any person who owns, leases, operates, controls, or supervises a refinery.

(j) Retail outlet means any establishment at which gasoline, diesel fuel, methanol, natural gas or liquified petroleum gas is sold or offered for sale for use in motor vehicles or nonroad engines, including locomotive engines or marine engines.

(k) Retailer means any person who owns, leases, operates, controls, or supervises a retail outlet.

(l) Distributor means any person who transports or stores or causes the transportation or storage of gasoline or diesel fuel at any point between any gasoline or diesel fuel refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

(m) Lead additive manufacturer means any person who produces a lead additive or sells a lead additive under his own name.

(n) Reseller means any person who purchases gasoline or diesel fuel identified by the corporate, trade, or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale purchaser-consumers displaying the refiner's brand, and whose assets or facilities are not substantially owned, leased, or controlled by such refiner.

(o) Wholesale purchaser-consumer means any person that is an ultimate consumer of gasoline, diesel fuel, methanol, natural gas, or liquified petroleum gas and which purchases or obtains gasoline, diesel fuel, natural gas or liquified petroleum gas from a supplier for use in motor vehicles or nonroad engines, including locomotive engines or marine engines and, in the case of gasoline, diesel fuel, methanol or liquified petroleum gas, receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that person.

(p), (q) [Reserved]

(r) Importer means a person who imports gasoline, gasoline blending stocks or components, or diesel fuel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

(s) Gasoline blending stock, blendstock, or component means any liquid compound which is blended with other liquid compounds to produce gasoline.

(t) Carrier means any distributor who transports or stores or causes the transportation or storage of gasoline or diesel fuel without taking title to or otherwise having any ownership of the gasoline or diesel fuel, and without altering either the quality or quantity of the gasoline or diesel fuel.

(u) Ethanol blending plant means any refinery at which gasoline is produced solely through the addition of ethanol to gasoline, and at which the quality or quantity of gasoline is not altered in any other manner.

(v) Ethanol blender means any person who owns, leases, operates, controls, or supervises an ethanol blending plant.

(w) Cetane index or Calculated cetane index is a number representing the ignition properties of diesel fuel oils from API gravity and mid-boiling point as determined by ASTM standard method D 976-80, entitled "Standard Methods for Calculated Cetane Index of Distillate Fuels". ASTM test method D 976-80 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. A copy may be inspected at the Air Docket Section (A-130), Room M-1500, U.S. Environmental Protection Agency, Docket No. A-86-03, 401 M St., SW., Washington, DC 20460 or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC 20005.

(x) Diesel fuel means any fuel sold in any State or Territory of the United States and suitable for use in diesel engines, and that is--

(1) A distillate fuel commonly or commercially known or sold as No. 1 diesel fuel or No. 2 diesel

fuel;

(2) A non-distillate fuel other than residual fuel with comparable physical and chemical properties (e.g., biodiesel fuel); or

(3) A mixture of fuels meeting the criteria of paragraphs (1) and (2) of this definition.

(y) Motor vehicle diesel fuel means any diesel fuel or other distillate fuel that is used, intended for use, or made available for use in motor vehicles or motor vehicle engines.

(z) Aromatic content is the aromatic hydrocarbon content in volume percent as determined by ASTM standard test method D 1319-02a, entitled, "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption". ASTM test method D 1319-02a is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Center, room B-108, U.S. Environmental Protection Agency, Docket No. A-2202-15, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, or at the Office of the Federal Register, National Archives and Records Administration, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(aa) [Reserved]

(bb) Sulfur percentage is the percentage of sulfur in diesel fuel by weight, as determined using the applicable sampling and testing methodologies set forth in § 80.580.

(cc) Designated Volatility Nonattainment Area means any area designated as being in nonattainment with the National Ambient Air Quality Standard for ozone pursuant to rulemaking under section 107(d)(4)(A)(ii) of the Clean Air Act.

(dd) Designated Volatility Attainment Area means an area not designated as being in nonattainment with the National Ambient Air Quality Standard for ozone pursuant to rulemaking under section 107(d)(4)(A)(ii) of the Clean Air Act.

(ee) Reformulated gasoline means any gasoline whose formulation has been certified under § 80.40, which meets each of the standards and requirements

prescribed under § 80.41, and which contains less than the maximum concentration of the marker specified in § 80.82 that is allowed for reformulated gasoline under § 80.82.

(ff) Conventional gasoline means any gasoline which has not been certified under § 80.40.

(gg) Batch of gasoline means a quantity of gasoline that is homogeneous with regard to those properties that are specified for conventional or reformulated gasoline.

(hh) Covered area means each of the geographic areas specified in § 80.70 in which only reformulated gasoline may be sold or dispensed to ultimate consumers.

(ii) Reformulated gasoline credit means the unit of measure for the paper transfer of oxygen or benzene content resulting from reformulated gasoline which contains more than 2.1 weight percent of oxygen or less than 0.95 volume percent benzene.

(jj) Oxygenate means any substance which, when added to gasoline, increases the oxygen content of that gasoline. Lawful use of any of the substances or any combination of these substances requires that they be "substantially similar" under section 211(f)(1) of the Clean Air Act, or be permitted under a waiver granted by the Administrator under the authority of section 211(f)(4) of the Clean Air Act.

(kk) Reformulated gasoline blendstock for oxygenate blending, or RBOB means a petroleum product which, when blended with a specified type and percentage of oxygenate, meets the definition of reformulated gasoline, and to which the specified type and percentage of oxygenate is added other than by the refiner or importer of the RBOB at the refinery or import facility where the RBOB is produced or imported.

(ll) Oxygenate blending facility means any facility (including a truck) at which oxygenate is added to gasoline or blendstock, and at which the quality or quantity of gasoline is not altered in any other manner except for the addition of deposit control additives.

(mm) Oxygenate blender means any person who owns, leases, operates, controls, or supervises an oxygenate blending facility, or who owns or controls the blendstock or gasoline used or the gasoline produced at an oxygenate blending facility.

(nn) [Reserved]

(oo) Liquefied petroleum gas means a liquid hydrocarbon fuel that is stored under pressure and is composed primarily of species that are gases at atmospheric conditions (temperature = 25degreesC and pressure = 1 atm), excluding natural gas.

(pp) Control area means a geographic area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed, with boundaries determined by Section 211(m) of the Act.

(qq) Control period means the period during which oxygenated gasoline must be sold or dispensed in any control area, pursuant to Section 211(m)(2) of the Act.

(rr) Oxygenated gasoline means gasoline which contains a measurable amount of oxygenate.

(ss) Tank truck means a truck and/or trailer used to transport or cause the transportation of gasoline or diesel fuel, that meets the definition of motor vehicle in section 216(2) of the Act.

(tt) Natural gas means a fuel whose primary constituent is methane.

(uu) Methanol means any fuel sold for use in motor vehicles and commonly known or commercially sold as methanol or MXX, where XX is the percent methanol (CH<sub>3</sub>OH) by volume.

(vv) Opt-in area. An area which becomes a covered area under § 80.70 pursuant to section 211(k)(6) of the Clean Air Act.

(ww) [Reserved]

(xx) Diesel fuel additive means any substance not composed solely of carbon and/or hydrogen, or of diesel blendstocks, that is added to, intended to be added to, used in, or offered for use in motor vehicle diesel fuel or NRLM diesel fuel or in diesel motor vehicle or diesel NRLM engine fuel systems subsequent to the production of diesel fuel by processing crude oil from refinery processing units.

(yy), (zz) [Reserved]

(aaa) Distillate fuel means diesel fuel and other petroleum fuels that can be used in engines that are designed for diesel fuel. For example, jet fuel, heating oil, kerosene, No. 4 fuel, DMX, DMA, DMB,

and DMC are distillate fuels; and natural gas, LPG, gasoline, and residual fuel are not distillate fuels. Blends containing residual fuel may be distillate fuels.

(bbb) Residual fuel means a petroleum fuel that can only be used in diesel engines if it is preheated before injection. For example, No. 5 fuels, No. 6 fuels, and RM grade marine fuels are residual fuels. Note: Residual fuels do not necessarily require heating for storage or pumping.

(ccc) Heating oil means any No. 1 or No. 2 distillate fuel that is sold for use in furnaces, boilers, stationary diesel engines, and similar applications and which is commonly or commercially known or sold as heating oil, fuel oil, and similar trade names, and that is not jet fuel, kerosene, or MVNRLM diesel fuel.

(ddd) Jet fuel means any distillate fuel used, intended for use, or made available for use in aircraft.

(eee) Kerosene means any No.1 distillate fuel commonly or commercially sold as kerosene.

(fff) #1D means the distillate fuel classification relating to "No. 1-D" diesel fuels as described in ASTM D 975-04. The Director of the Federal Register approved the incorporation by reference of ASTM D 975-04, Standard Specification for Diesel Fuel Oils, as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may purchase copies of this standard from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(ggg) #2D means the distillate fuel classification relating to "No. 2-D" diesel fuels as described in ASTM D 975-04.

(hhh) to (jjj) [Reserved]

(kkk) Nonroad diesel engine means an engine that is designed to operate with diesel fuel that meets the definition of nonroad engine in 40 CFR 1068.30, including locomotive and marine diesel engines.

(lll) Locomotive engine means an engine used in a locomotive as defined under 40 CFR 92.2.

(mmm) Marine engine and Category 3 have the meanings given under 40 CFR 94.2.

(nnn) Nonroad, locomotive, or marine (NRLM) 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 any nonroad diesel engines, including locomotive and marine diesel engines, except the following: Distillate fuel with a T90 greater than 700 ° F that is used only in Category 2 and 3 marine engines is not NRLM diesel fuel. 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.

(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.

(Authority: 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, as amended at 38 FR 33741, Dec. 6, 1973; 39 FR 43283, Dec. 12, 1974; 44 FR 46277, Aug. 7, 1979; 47 FR 49331, Oct. 29, 1982; 48 FR 4287, Jan. 31, 1983; 48 FR 5727, Feb. 8, 1983; 48 FR 50483, Nov. 1, 1983; 50 FR 9397, March 7, 1985; 54 FR 11883, March 22, 1989; 55 FR 34137, Aug. 21, 1990; 56 FR 13768, April 4, 1991; 56 FR 64710, Dec. 12, 1991; 57 FR 19537, May 7, 1992; 57 FR 47771, Oct. 20, 1992; 59 FR 7812, Feb. 16, 1994; 59 FR 39289, Aug. 2, 1994; 59 FR 48489, Sept. 21, 1994; 59 FR 60715, Nov. 28, 1994; 61 FR 3837, Feb. 2, 1996; 61 FR 35680, July 8, 1996; 62 FR 60135, Nov. 6, 1997; 62 FR 68205, Dec. 31, 1997; 65 FR 6822, Feb. 10, 2000; 66 FR 5135, Jan. 18, 2001; 66 FR 17262, March 29, 2001; 66 FR 34375, June 28, 2001; 68 FR 56780, Oct. 2, 2003; 69 FR 39166, June 29, 2004]

<General Materials (GM) - References, Annotations,  
or Tables>

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