



State of New Jersey

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TEMPORARY FUEL WAIVER - TERMS AND CONDITIONS – revised Dec 7, 2012 NOTICE – THIS WAIVER HAS EXPIRED; ULSD MUST BE USED.

1. VEHICLES AND EQUIPMENT

VEHICLES AND EQUIPMENT THAT CAN USE NON- ULSD ¹	VEHICLES AND EQUIPMENT THAT CANNOT USE NON- ULSD ¹
Used for emergency related to hurricane including fire truck, ambulance; garbage truck; bus; solid waste transfer or disposal truck; dump truck; construction equipment (cranes, bulldozers); delivery truck; mobile generators and pumps.	Not being used for emergency related to hurricane.
No label on the fuel tank which says “Ultra Low Sulfur Diesel Only.”	Label on the fuel tank says “Ultra Low Sulfur Diesel Only.”
On-road engine model year 2006 or older and no aftermarket retrofit device.	On-road engine model year 2007 or newer.
Non-road engine up to 750 horsepower, and model year 2010 or older, and no aftermarket retrofit device.	Non-road engine up to 750 horsepower and model year 2011 or newer. Non-road engine up to 750 horsepower and model year 2010 or older <u>with</u> aftermarket retrofit device.
Non-road engine greater than 750 horsepower and no aftermarket retrofit device.	Non-road engine greater than 750 horsepower <u>with</u> aftermarket retrofit device.

2. FUEL DISPENSING

Any facilities that are dispensing fuel from storage tanks, or tanker trucks that are dispensing fuel directly from their trucks, can dispense high sulfur fuel for vehicles and equipment being used in the public interest as part of disaster recovery services. Such facilities or tanker trucks must provide the following warning to vehicle/equipment owners receiving the high sulfur fuel:

“Warning: This is high sulfur fuel; this is not Ultra Low Sulfur Diesel. Use of this fuel in any vehicle/engine equipped with a diesel particulate filter or catalytic emission control device may cause serious damage to the vehicle/engine and its emission control components and may void the warranty. Any party that uses this fuel assumes all responsibility for damage to the vehicle/engine.”

¹ See attached for more detail

ATTACHMENT

BACKGROUND

On November 1, 2012, the USEPA granted a waiver of federal fuel requirements to temporarily allow certain emergency diesel on-road vehicles and emergency diesel non-road equipment operating in New Jersey to use fuel other than ultra-low sulfur diesel (“ULSD”). This includes emergency generators and pumps. This action was taken to minimize potential fuel shortages, thereby ensuring vehicles and equipment involved with disaster recovery efforts could continue uninterrupted. The waiver is in effect until **December 7, 2012**.

As a condition of the USEPA’s waiver, New Jersey must designate the categories of diesel on-road trucks, diesel non-road equipment, and fueling stations eligible for the waiver. Those designations and associated procedures are outlined below.

ELIGIBILITY FOR WAIVER

1. FUEL DISPENSING FACILITIES OR TRUCKS

In order to be eligible for the USEPA fuel waiver, facilities that are dispensing fuel from storage tanks or tanker trucks that are dispensing fuel directly from their trucks must ensure that all of the following criteria are met:

- The non-ULSD fuel is completely segregated from any ULSD fuel that is dispensed from the same facility, location or tanker truck and the facility or owner of the tanker truck shall document that appropriate procedures are in place to ensure ULSD fuel is not contaminated with non-ULSD fuel both during and after the waiver period.
- The following warning is clearly communicated to the person receiving the fuel via a visible label and/or a verbal warning:
 - ***“Warning: This is high sulfur fuel; this is not Ultra Low Sulfur Diesel. Use of this fuel in any vehicle/engine equipped with a diesel particulate filter or catalytic emission control device may cause serious damage to the vehicle/engine and its emission control components and may void the warranty. Any party that uses this fuel assumes all responsibility for damage to the vehicle/engine.”***
- The fuel tank or tanker truck must be clearly labeled to indicate the type of fuel that is being dispensed (e.g., home heating oil).
- There is no label near the fuel inlet of the vehicle which says “Ultra Low Sulfur Diesel only.” If such a label is present, the vehicle must NOT be fueled with the higher sulfur fuel.
- The diesel on-road truck or diesel non-road equipment receiving the fuel meets the criteria listed below.

2. VEHICLES/EQUIPMENT

In order to be eligible for the USEPA fuel waiver, diesel on-road trucks and diesel non-road vehicles and equipment must meet all of the following criteria. It is the responsibility of the operator of the truck/equipment to ensure the criteria are met:

- The vehicle/equipment is currently being used in the public interest as part of disaster recovery services. This includes fire trucks, ambulances, garbage trucks, buses, solid waste transfer or disposal trucks, dump trucks, construction equipment, and delivery trucks, e.g., utility trucks repairing power lines; garbage trucks or bulldozers removing storm debris; buses transporting emergency workers to or from a work site.
- There is no label near the fuel inlet of the vehicle which says “Ultra Low Sulfur Diesel only.” If such a label is present, the vehicle cannot be fueled with the higher sulfur fuel.
- Diesel onroad trucks must be model year 2006 or older and cannot be equipped with aftermarket particulate control devices or aftermarket catalytic emission control devices. The aftermarket devices are sometimes referred to as filters, diesel particulate filters, diesel oxidation catalysts, DOCs, or DPFs and might have been installed pursuant to a NJDEP requirement or voluntarily as part of an NJDEP or other program to reduce emissions. Vehicles that are likely to have aftermarket retrofits and thus cannot use non-ULSD include:
 - Garbage trucks that are publicly owned or used in a public contract
 - New Jersey Transit buses
 - Commercial transit/charter buses
 - Some public works vehicles/equipment owned by local, county or state government.
- Diesel non-road equipment up to 750 horsepower must be model year 2010 or older and cannot be equipped with aftermarket particulate control devices or aftermarket catalytic emission control devices. Equipment greater than 750 horsepower of any model year can be fueled with non-ULSD if it is not equipped with an aftermarket particulate control device or aftermarket catalytic emission control device. The aftermarket devices are sometimes referred to as filters, diesel particulate filters, diesel oxidation catalysts, DOCs, or DPFs and might have been installed pursuant to a NJDEP requirement or voluntarily as part of an NJDEP or other program to reduce emissions.

QUESTIONS

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