



Legislative & Regulatory Action Center

REGULATORY ALERT

November 20, 2007

EPA SETS DEADLINE FOR HEATING OIL DELIVERY TICKET CHANGE

WHO THIS APPLIES TO:

All petroleum marketers and fuel dealers in the Northeast/Mid-Atlantic Area (NE/MA Area) who transport or deliver heating oil. (Note: For a description of the states and counties within the NE/MA Area, or for comprehensive guidance on the EPA's new Non-Road, Locomotive and Marine or 'NRLM' Diesel Fuel Regulations, consult NEFI's *NRLM Diesel Fuel Compliance Kit*.)

THE ISSUE:

As was reported in a recent issue NEON, **the EPA has set a deadline for including the word "non-road"** to the new descriptor for heating oil required on all Product Transfer Documents (or "PTDs," including shipping papers and delivery tickets). The change must now be made **by Sunday, November 25, 2007**. *Please read this alert for details.*

BACKGROUND:

NEFI and the U.S. Environmental Protection Agency (EPA) have been in talks over a controversial change to delivery tickets for heating oil required under the new NRLM Diesel Fuel regulations. On September 25, 2007, the EPA directed heating oil dealers to include the word "non-road" in the new fuel product descriptors required on shipping papers and delivery tickets by October 1, 2007 (see the [NEFI Bulletin from 9/28/07](#) for more details). When the change was made, many heating oil dealers had already printed up shipping papers and delivery tickets with the old heating oil descriptor, which did not include the word "non-road." NEFI argued that dealers needed adequate time to make the change, requesting a longer transition period ending January 1, 2008. However, the EPA finalized a 60-transition period ending on Sunday, November 25, 2007.

The EPA is concerned that absence of "non-road" in the descriptor could mislead non-road diesel engine operators to use incorrect fuel required under federal law (they must use 500-ppm low sulfur NRLM diesel fuel by December 1, 2007). NEFI felt that by including "non-road," it would confuse owners of select stationary engines and generators, many of whom can still use greater than 500-ppm fuel (see article "Clarification on Fuel Use in Stationary Off-Road Equipment" in [NEON, Vol. 2 Iss. 20](#)). Ultimately, the EPA argument won out.

As of Sunday, November 25, 2007, heating oil descriptors on all PTDs, including shipping papers and delivery tickets, should read:

Dyed Unmarked Heating Oil: Not for use in highway, nonroad, locomotive or marine engines.

(MORE)

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IMPORTANT NOTES:

- ABBREVIATIONS NOT PERMITTED

As a reminder, the EPA *does not permit* the abbreviation of any word in the above statement. For example, you may not abbreviate the word "highway" to "hwy" or "non-road" to "NR" without falling out of compliance. NEFI worked with the EPA to shorten the above PTD descriptor (above) to the furthest extent possible. However, the hyphen or dash ("-") in the word "non-road" may or may not be used, as such space provides.

- MODIFYING EXISTING TICKETS OR PRINTING NEW ONES

The EPA is NOT requiring heating oil companies to print new shipping papers or delivery tickets. Instead, they may continue to use *existing* shipping papers and delivery tickets as of November 25th by *hand writing* the word "non-road" in the proper sequence on each copy as noted above. When existing supplies of printed delivery ticket stocks run out, heating oil dealers must make certain that the new print runs include the word "non-road".

- YOU MAY STAMP YOUR TICKETS, AND NEFI HAS EPA-APPROVED STAMPS!

You may also stamp your delivery tickets with the required descriptor, and NEFI now provides EPA-compliant stamps for heating oil, as well as on-road and NRLM diesel fuel and kerosene. (To order stamps, [click here](#) or call 617-924-1000 to request an order form).

- NO CHANGE TO OTHER DESCRIPTORS OR FUEL DISPENSER DECALS

Please note that the PTD descriptors required for on-road and NRLM diesel fuel and kerosene remain unchanged. The new EPA fuel dispenser decals for these products, including the one for heating oil, also remain unchanged. (All of the required fuel dispenser decals are available through NEFI by [clicking here](#) or calling 617-924-1000 to request an order form)

ADDITIONAL QUESTIONS???

**See the New England Fuel Institute's NRLM Diesel Fuel Compliance Kit
Or contact James Collura at NEFI by phone (617) 923-5016 or email jimcollura@nefi.com**

YOUR HELP IS NEEDED AND APPRECIATED!

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LRAC Pledge Form: <http://www.nefi.com/pdfs/LRACpledge.pdf>

You may also request a pledge form by e-mailing jimcollura@nefi.com or calling (617) 924-1000

Thank you for your continued support... *we cannot do it without you!*