

§ 2285. Exemption From Diesel Fuel Requirements for Military-Specification Fuels Used in Qualifying Military Vehicles.

- (a) *Exemption for military-specification fuel used in qualifying military vehicles.* The vehicular diesel fuel standards in sections 2281, 2282, and 2284 do not apply to military specification fuel that is sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in:
- (1) Vehicles for which the U.S. Environmental Protection Agency has granted a national security exemption under 40 CFR § 85.1708 from motor vehicle emissions standards under 40 CFR Part 86, or which are exempted from regulation under 40 CFR § 85.1703(a)(3) because of features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry, or military tactical vehicles that are exempt from the California motor vehicle emission standards pursuant to section 1905, title 13, California Code of Regulations; or
 - (2) Tactical military motor vehicles that are not subject to a national security exemption from motor vehicle emission standards but for national security purposes (for purposes of readiness for deployment overseas) need to be fueled with the same fuel as motor vehicles for which EPA has granted a national security exemption, provided that such fuel is:
 - (A) Used only in vehicles identified in section (a)(1) or this section (a)(2);
 - (B) Segregated from non-exempt vehicle diesel fuel at all points in the distribution system; and
 - (C) Dispensed from a fuel pump stand or tank that is prominently labeled as containing fuel that is not lawful for use in diesel vehicles other than excluded military vehicles, or from a fueling truck. Any such fuel pump stand or tank may also be labeled with the appropriate designation of the fuel, such as "JP-8."

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).