State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

# PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA REFORMULATED GASOLINE REGULATIONS INCLUDING REFINEMENTS TO THE PROHIBITIONS OF MTBE AND OTHER OXYGENATES

Public Hearing Date: December 12, 2002
Public Availability Date: December 23, 2002
Last Day for Supplemental Public Comment: January 10, 2003

At a public hearing held December 12, 2002, the Air Resources Board (the Board or ARB) approved amendments to the California Phase 3 Reformulated Gasoline (CaRFG3) regulations. The amendments will (1) revise the prohibitions of gasoline produced with the use of MTBE or other prohibited oxygenates; (2) revise the schedule for implementation of allowable residual MTBE levels in California gasoline; (3) establish allowable residual levels for total weight percent oxygen supplied by oxygenates other than MTBE and ethanol; (4) add provisions for documentation of the presence or absence of ethanol in CaRFG delivered to retail outlets, and make other changes. The proposed amendments were described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on October 25, 2002.

**The Board's action.** At the conclusion of the hearing, the Board adopted Resolution 02-34, in which it approved the originally proposed amendments with two minor modifications. One modification amends section 2263(b) to expressly provide that the test method to be used in determining the oxygen from the 11 oxygenates in section 2262.6(c)(4), title 13, California Code of Regulations (CCR) is American Society of Testing and Materials (ASTM) D 4815-99. This is the same test method that has previously been identified as the method for determining the MTBE and ethanol content of gasoline. The Initial Statement of Reasons had indicated that the oxygenates listed in section 2262.6(c)(4) represented all of the oxygenates for which a test method was identified in ASTM D 4815-99. The second modification was to the proposed new section 2273.5, title 13, CCR, which will require that a person delivering gasoline to a retail gasoline outlet must provide to the outlet operator or responsible employee, at the time of the delivery, documentation stating whether a load of gasoline does or does not contain ethanol. The modification makes clear that if neither the outlet operator nor a responsible employee is at the outlet at the time of delivery, the documentation may be left at a reasonably secure location at the outlet.

These two modifications were shown on Attachment B of the Resolution. The Resolution and its Attachment B are attached to this Notice as Attachment I. The Resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

**Modified text being made available.** Attachment II to this notice contains the proposed regulatory text showing the Board-approved modifications. The regulation text in Attachment II only shows the regulations affected by the two modifications. The complete text of all of the proposed amendments with the modifications shown are available at the ARB's Internet site for this rulemaking at http://www.arb.ca.gov/regact/mtberesid/mtberesid.htm. Printed copies are available from Mr. Valentine Montoya, Stationary Source Division, telephone (916) 327-1493 or fax (916) 322-6088.

**Comments and subsequent action.** In accordance with section 11346.8 of the Government Code, the Board's Resolution directed the Executive Officer to make the modified regulations available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments regarding the modified text that may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: mtberesid@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by the end of the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations and additional information made available by this notice will be considered by the Executive Officer.

Peter D. Venturini, Chief
Stationary Source Division

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce energy demand and cut your energy costs, see our web-site at http://www.arb.ca.gov