



Advisory

to: MOTOR FUEL PRODUCERS,
IMPORTERS, DISTRIBUTORS,
AND TRANSPORTERS

Number 90

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WINTERTIME OXYGENATED GASOLINE PROGRAM

This advisory is a supplement to Advisory #89. It addresses specific questions asked by members of the gasoline manufacturing and distribution industry and explains pertinent paragraphs of the wintertime oxygenated gasoline regulation, Section 2258, Title 13, California Code of Regulations (CCR).

Section 2258 (a)(1) requires that all California gasoline contain not less than 1.8 and not more than 2.2 percent oxygen by weight during the winter months. The start time for ALL air basins in 1992 is November 1. Beginning in 1993 the start date will be October 1 for some air basins and November 1 for others. The winter oxygen season will end on either January 31 or February 29, depending on the air basin. All California air basins were listed with their respective control periods in Advisory #89.

Section 2258(a)(3) allows the sale or supply of low (below 1.8%) or nonoxygenated gasoline if the following three conditions are met:

- 1) The gasoline has not yet been supplied from the final distribution facility.
- 2) The shipping documents accompanying the gasoline clearly state that the gasoline does not comply with the minimum oxygen content requirement.
- 3) Precautions have been taken to assure that the gasoline will be brought into compliance with the oxygen content standards before it leaves the final distribution facility. The seller or supplier must either take these precautions OR before the transaction occurs, obtain a written statement from the purchaser or recipient assuring that these precautions will be taken.

Section 2258(a)(4) allows the sale or supply during the control period of gasoline that does not meet the oxygen content standards IF precautions have been taken to assure that the gasoline will be delivered to a retail service station or bulk purchaser-consumer's fueling facility when the receiving station or facility is not subject to the control period standards.

Section 2258(a)(5) allows gasoline that does not meet the oxygen content standards to be sold or supplied during the control period IF the gasoline is being transferred from a stationary storage tank into a motor vehicle fuel tank AND the last delivery of gasoline into the stationary storage tank occurred more than fourteen (14) days before the start of the control period.

Section 2258(a)(6)(A) allows gasoline that does not meet the oxygen content standards to be sold or supplied during a 15-day transition period (the first 15 days of any control period) IF the gasoline is being transferred from a stationary storage tank into a motor vehicle fuel tank AND the seller or supplier has made specific PRIOR arrangements with a gasoline distributor for the delivery of gasoline with an oxygen content that will bring the stationary storage tank into compliance by the end of the transition period.

Section 2258(a)(6)(B) allows low (less than 1.8% oxygen) or nonoxygenated gasoline to be sold, offered for sale, supplied, or transported to a retail service station or bulk purchaser-consumer's fueling facility during a transition period. The person selling, supplying, or offering this gasoline must demonstrate that the gasoline is being distributed under a PRIOR arrangement to bring the fueling facility into compliance by the end of the transition period. Note that gasoline with an oxygen content above 2.2 percent by weight MAY NOT be sold, supplied, offered for sale, or transported.

Regarding the Reid vapor pressure (RVP) of gasoline, section 2251.5(a)(3)(C) has been added to the RVP regulation to resolve conflicts between the RVP standard and the oxygen content standard for air basins where the RVP season overlaps the winter oxygen season. Under this provision, any gasoline sold, supplied, or transported during the month of October in 1993, 1994, or 1995 may exceed the RVP standard of 7.80 pounds per square inch (psi) by one psi (to 8.80) IF it contains at least 4.9 percent ethanol by volume (1.8% oxygen by weight).

The following is a list of frequently asked questions and their answers:

Q: What wording should be used on documents accompanying nonoxygenated gasoline?

A: The ARB does not require specific wording, but the wording used must clearly indicate that the gasoline does not meet the oxygen content standard.

Q: Can different oxygenates be mixed together, i.e. ethanol and MTBE?

A: Yes. Any one oxygenate or combination of oxygenates may be used to achieve the total oxygen content requirement.

Q: Are oxygenates accounted for if their volume is less than one percent?

A: Yes. Although the conversion table listed in section 2298, Title 13, CCR, starts at 1.0 volume percent, the oxygen contribution of each oxygenate below 1.0 volume percent will be counted down to the detection limit of the test method.

Q: What test method will ARB use to determine total oxygen content?

A: ARB will use ASTM 4815-89 to determine the volume of oxygenate. The conversion table in Section 2298, Title 13, CCR will be used to convert to weight percent oxygen.

Q: Does the winter oxygen regulation apply to private facilities that fuel their own vehicles?

A: Yes. The regulation covers all California gasoline supplied to motor vehicles and applies to private fueling facilities as well as service stations.

If you have questions or comments regarding this advisory, please contact Roye Jackson at 916-322-6033 or Raak Veblen at 916-327-1519.

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