

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NOTICE TO INTERESTED PARTIES

PUBLIC MEETING OF THE CALIFORNIA ENVIRONMENTAL POLICY COUNCIL ON APRIL 30, 2004 TO CONSIDER THE NEED FOR A MULTIMEDIA ENVIRONMENTAL IMPACT ASSESSMENT OF AMENDMENTS TO THE CALIFORNIA DIESEL FUEL REGULATIONS

The California Environmental Protection Agency (Cal/EPA) will convene a public meeting of the California Environmental Policy Council (Council) to consider the need for a multimedia environmental impact assessment of the amendments to the California diesel fuel regulations approved by the Air Resources Board (ARB) on July 24, 2003. The public meeting will be held at the location, on the date, and at the time listed below.

Section 43830.8 of the California Health and Safety Code requires a multimedia environmental impact assessment prior to the Air Resources Board's adoption of any regulation that establishes a specification for motor vehicle fuel. However, the law provides an exception to this process. Subsection 43830.8(i) allows the ARB to adopt a regulation that establishes a specification for motor vehicle fuel without the proposed regulation being subject to a multimedia evaluation if, following an initial evaluation of the proposed regulation, the California Environmental Policy Council conclusively determines that the regulation will not have any significant adverse impact on public health or the environment.

The amendments approved by the ARB will do the following: (1) reduce the maximum permissible sulfur content in vehicular diesel fuel from 500 ppm by weight (ppmw) to 15 ppmw starting in mid-2006; (2) establish standards for diesel fuel lubricity effective in August 2004; (3) improve the flexibility of the regulations by adopting new specifications for equivalency to the aromatic hydrocarbon limit for California diesel; and (4) adopt an Air Toxics Control Measure to require the use of vehicular diesel fuel in all nonvehicular diesel engines except engines used to power locomotives and marine vessels.

Other amendments approved by the Board will not significantly affect the overall composition of California diesel fuel. The other amendments include adoption of a more suitable method for testing low sulfur diesel fuel, improvements to the requirements for certifying alternative diesel fuel formulations, adoption of a new sulfur specification for certification diesel fuel for light- and medium-duty vehicles that is identical to the United States Environmental Protection Agency's (U.S. EPA), and other changes that clarify the applicability of the diesel fuel regulations to allow more effective enforcement.

The revised sulfur limit is critical to the performance of the sulfur-sensitive exhaust gas treatment technologies needed to implement the air toxic control measures and regulations recommended in the ARB's diesel risk reduction plan. Low sulfur diesel is

also required for the effective performance of the advanced after-treatment devices needed to achieve the new stringent exhaust emissions standards adopted for 2007 and subsequent model year heavy-duty highway diesel engines and vehicles.

There is currently no government or industry standard controlling diesel fuel lubricity in the United States. Refiners in California have maintained a voluntary minimum lubricity level consistent with the recommendation of a 1994 Governor's Task Force that was created during the statewide introduction of 500-ppmw sulfur California reformulated diesel. The new lubricity standard – a limit of 520 microns wear scar diameter based on the High Frequency Reciprocating Rig (HFRR) test method – is consistent with the voluntary standard and will ensure consistent adequate diesel fuel lubricity as diesel engine technology that is more sensitive to lubricity enters the market.

Both the U.S. EPA and the South Coast Air Quality Management District (SCAQMD) have adopted regulations to lower the sulfur content of diesel fuel to 15 ppmw or less. Neither the U.S. EPA nor the SCAQMD have identified any adverse impacts on public health or the environment, associated with their sulfur-content regulations. The ARB staff's initial evaluation is consistent with the findings of the U.S. EPA and the SCAQMD.

As defined in Section 71017(b) of the Public Resources Code, the Council consists of the Secretary for Environmental Protection, the Director of Pesticide Regulation, the Director of Toxic Substances Control, the Chairperson of the Air Resources Board, the Chairperson of the State Water Resources Control Board, the Director of the Office of Environmental Health Hazard Assessment, and the Chairperson of the California Integrated Waste Management Board, or their designees.

At the public meeting, the Council will consider a report prepared by the ARB staff that discusses the impacts of the amendments. The Council will also consider comments from interested parties. Based on the report and public comments, the Council will determine whether or not there is a need for a multimedia evaluation of the approved amendments.

The time and place of the meeting will be:

DATE: April 30, 2004
TIME: 9:00 a.m. to 5:00 p.m.*
LOCATION: 2nd Floor – Central Valley Auditorium
California Environmental Protection Agency
1001 "I" Street
Sacramento, California 95814

* the meeting will adjourn after conclusion of public comments and a determination by the Council or 5:00 p.m., whichever occurs first

The report may be obtained in electronic form from the Cal/EPA web page at: <http://www.calepa.ca.gov> under Current Actions, or printed copies may be requested from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.


To have your comments on the ARB staff's report fully considered, please submit them in writing during the formal comment periods. The submitted comments and names of contact persons can be viewed at <http://www.calepa.ca.gov> under Current Actions. Comments directed to the Council should be received in writing by noon April 29, 2004, by U.S. mail and delivered to:

Mr. Steven Brisby
California Air Resources Board
1001 "I" Street
Sacramento, California 95814
Attention: Environmental Policy Council – Diesel Fuel Amendments

The meeting is accessible to persons with disabilities. If accommodation is needed, please contact Mr. Valentine Montoya at (916) 327-1493 by April 12, 2004.

A meeting agenda is attached to this notice. If you have any questions about this meeting, please contact Mr. Steven Brisby of ARB at (916) 322-6019 or Mr. Dean Simeroth, Chief, Criteria Pollutants Branch of ARB at (916) 322-6020 or dsimerot@arb.ca.gov.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



Tam Doduc
Deputy Secretary for Environmental Quality

Date: March 26, 2004