



SFPP, LP

January 10, 2013

Clerk of the Board, Air Resources Board
1001 I Street
Sacramento, CA 95814
Electronic submittal to <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: **Proposed 2012 Amendments to the Regulations for Gasoline and Diesel Fuel Test Methods**

Kinder Morgan appreciates the opportunity to provide comments on proposed regulatory amendments creating new test method requirements for certain properties of Gasoline, Diesel Fuel, and Denatured Ethanol.

Kinder Morgan is a midstream energy company providing pipeline transportation for gasoline, diesel and jet fuel from refining centers in both northern and southern California to outlying distribution terminals. Excluding deliveries for airport facilities, our system delivers products to ten Kinder Morgan distribution terminals in California as in addition to well over a dozen producer proprietary and third party terminals.

Our comments on the proposed modified text are related to a suggested modification to §2262.9 (b)(1)(a)(1)(B) in concert a modification to §2262.9 (b)(1)(a)(1)(C) and with the implementation date of the proposed new method for the determination of MTBE and other prohibited oxygenates.

Suggested modified text for affected sections:

§ 2262.9. Requirements Regarding Denatured Ethanol intended For Use as a Blend Component in California Gasoline.

(b)(1)(a)(1)(B) The aromatic hydrocarbon, benzene, and olefins content ~~shall~~ *may* be determined by sampling the denaturant and using the methods specified in section 2263 to determine the content of those compounds in the denaturant. The result will then be multiplied by 0.0500, except that where it is demonstrated that the denatured ethanol contains less than 5.00 percent denaturant, the result will be multiplied by decimal fraction representing the percent denaturant.

(b)(1)(a)(1)(C) Starting **[insert effective date]**, the aromatic hydrocarbon and benzene content of denatured ethanol ~~shall~~ *may* be determined by ASTM D7576-10, which is incorporated herein by reference. Starting **[insert effective date]**, the olefin content of denatured ethanol ~~shall~~ *may* be determined by ASTM D7347-07e1, which is incorporated herein by reference.

Comments on above suggestions: This verbiage will recognize the validity of the new method immediately upon the posted effective date while continuing to recognize the validity of the procedure currently in effect. No change is suggested for the following proposed section, §2262.9 (b)(1)(a)(1)(D), which establishes the new method as the referee method. The ISOR confirms staff's intent to allow the use of either the existing procedure or the newly prescribed method.

§ 2263 Sampling Procedures and Test Methods

The proposed changes to Table 1 for two gasoline specifications, MTBE content and Oxygen from oxygenates identified in section 2262.6(c)(4) should have a date certain implementation for the proposed method, ASTM D7574-11. Acceptance of product for pipeline transportation is contingent on a supplier's certification of the product. The pipeline does not autonomously create acceptance criteria for CARBOB, we require that product is certified to us by the approved CARB method in effect at the time of product transfer.

Two options could be considered. 1) Select a firm date beyond typical Office of Administrative Law approval or 2) publish the effective date for the new method upon OAL approval and the sunset the current method (ASTM D4815-04) at a subsequent date, perhaps 120 or 180 days later. With the latter option, suppliers would have an uninterrupted option to provide fuel certified with a compliant method while preparing their laboratories for the new method.

If you have any questions, please contact me at (714) 560-4662 for clarification.

Sincerely,



Russell G. Kinzig,
Manager, Quality Control