REQUEST FOR EARLY EFFECTIVE DATE

2011 AMENDMENTS TO THE PHASE 3 CALIFORNIA REFORMULATED GASOLINE REGULATIONS

Pursuant to Government Code Section 11343.4(c), the Air Resources Board (ARB) requests that its most recent amendments to the Phase 3 California Reformulated Gasoline Regulations become effective upon filing with the Secretary of State. Good cause for this request exists. An early effective date would ensure that environmental impacts are mitigated, ensure that summertime gasoline produced early would meet all the requirements of summertime gasoline, and prohibit the mixing of California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB) with anything other than what is listed in the regulation.

This rulemaking consists of the repeal of section 2258 and amendments to sections 2260, 2261, 2264, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model"), 2265.1, 2266, 2266.5, and 2271, title 13, California Code of Regulations (CCR).

These amendments to the CaRFG3 regulations included: (1) the correction of nine coefficient transcription errors in the Predictive Model; (2) repeal of an outdated provision relating to the oxygen content of gasoline during the wintertime for gasoline sold or supplied between November 1, 1992, and February 29, 1996; (3) requirement for gasoline with a Reid vapor pressure (RVP) value equal to or less than 7.20 pounds per square inch (psi) (or, correspondingly, an RVP value equal to or less than 5.99 psi for a final blend of CARBOB) to be certified as an RVP-controlled gasoline, in order to ensure that summertime gasoline produced early would meet all the requirements for summertime gasoline; (4) requirement that any producer or importer intending to sell, offer, or supply a final blend of test-certified alternative gasoline formulation shall notify the Executive Officer sufficiently in advance to allow ARB inspectors an opportunity to sample and test the gasoline; (5) requirement that no person may combine any CARBOB that has been supplied from the facility at which it was produced or imported with anything other than what is specifically listed in the regulation; (6) modification to the definition of racing vehicle to add clarity and more closely align with the U.S. Environmental Protection Agency's definition; and; (7) other miscellaneous changes to improve consistency, flexibility, and enforceability.

The CaRFG regulations allow refiners to use a "Predictive Model" to certify alternative formulations. The Predictive Model is a set of mathematical equations that relate emission rates of exhaust and evaporative hydrocarbons and carbon monoxide (CO), oxides of nitrogen (NOx), and potency-weighted toxics for four toxic air contaminants (benzene, 1,3-butadiene, formaldehyde, and acetaldehyde) to the values of the eight regulated gasoline properties. An alternative gasoline formulation based on the Predictive Model is acceptable if emissions of reactivity weighted hydrocarbons and CO (total ozone forming potential), NOx, and potency-weighted toxics resulting from this

formulation are no greater than emissions from gasoline having the specifications set forth in the CaRFG standards. Currently, most of the gasoline sold in California complies with the CaRFG regulations through the use of the Predictive Model.

Since 1995, most of the State's gasoline has contained about 2 percent oxygen by weight. From 1995 to 2002, methyl tertiary-butyl ether was the oxygenated compound used in most California gasoline. Since December 31, 2003—the Phase 3 CaRFG compliance deadline—ethanol has been the only oxygenate allowed in California gasoline. Almost all gasoline marketed in California today contains ethanol. Health and Safety Code section 43013.1 requires that the Phase 3 CaRFG regulations preserve the emissions and air quality benefits of the Phase 2 CaRFG program. ARB staff has determined that the use of ethanol in Phase 3 CaRFG increases evaporative emissions, relative to Phase 2 CaRFG, through a process known as permeation. Permeation occurs in both on-road vehicles and off-road engines and portable fuel containers.

The 2007 amendments to the CaRFG3 regulations were intended to update the Predictive Model in order to preserve the emissions and air quality benefits of the Phase 2 CaRFG program. However, there were drafting errors to nine coefficients in the California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model (Procedures Guide). The 2011 amendments will correct these errors, and thereby fulfill the requirements of Health and Safety Code section 43013.1 by preserving the emissions and air quality benefits of the Phase 2 CaRFG program.

ARB staff will promptly notify affected stakeholder representatives and organizations affected by this rulemaking via electronic mail as soon as the effective date and the amendments are filed with the Secretary of State.

Date: 8/23/2012

/s/

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