

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-03-003

Relating to the Amendments to the California Phase 3 Reformulated Gasoline Regulations to Refine the Prohibitions of MTBE and Other Oxygenates in California Gasoline Starting December 31, 2003, Sections 2260 et seq., Title 13, California Code of Regulations

WHEREAS, on December 12, 2002, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments to the California Phase 3 Reformulated Gasoline (CaRFG3) regulations; the proposed amendments would refine the prohibitions of MTBE and other oxygenates in California gasoline starting December 31, 2003, and make other changes.

WHEREAS, following the public hearing on July 25, 2002, the Board adopted Resolution 02-34, in which the Board approved the proposed amendments to sections 2260, 2261, 2262.6, 2263, 2273 and adoption of section 2273.5, of title 13, California Code of Regulations (CCR), as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto and a specified additional modification;

WHEREAS, Resolution 02-34 directed the Executive Officer (1) to incorporate into the approved regulations the modifications described in Attachment B thereto (as further modified) and such other conforming modifications as may be appropriate; (2) to make the modified regulations, with the modifications clearly indicated, available for supplemental public comment for a period of at least 15 days; (3) to consider any comments on the modifications received during the supplemental comment period; and then (4) consistent with the Resolution, either to adopt the regulations as made available with any appropriate additional nonsubstantial modifications, to make additional modifications available for public comment for an additional period of at least 15 days, or to present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the text of modified version of the proposed regulatory amendments, reflecting the Board-approved modifications, were made available for a supplemental 15-day comment period starting September 17, 2002, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, one written comment was received during the supplemental 15-day comment period and this comment has been considered by the Executive Officer; and

WHEREAS, Attachment 1 hereto contains amendments to sections 2260, 2261, 2262.6, 2263, 2273 and adoption of section 2273.5, title 13, CCR, reflecting the modified regulatory text made available for the 15-day comment period, and additional nonsubstantial changes to sections 2266.5 and 2272, title 13, CCR.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 02-34 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 02-34 and Health and Safety Code sections 39515 and 39516, that the amendments to sections 2260, 2261, 2262.6, 2263, 2266.5, 2272, 2273 and adoption of section 2273.5, title 13, CCR, are hereby adopted as set forth in Attachment 1 hereto, the Final Regulation Order.

Executed this _____ day of March, 2003, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment