TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDING THE TEST METHOD DESIGNATED FOR DETERMINING THE OXYGEN CONTENT OF GASOLINE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amending its regulations to update the method designated for determining the oxygen content of gasoline.

DATE: June 29, 1995

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 L Street
Sacramento

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 29, 1995 and will continue at 8:30 a.m., June 30, 1995. This item may not be considered until June 30, 1995. Please consult the agenda for the meeting, which will be available at least 10 days before June 29, 1995, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments to Title 13, California Code of Regulations, Sections 2258(c), 2251.5(c), and 2263(b)

An ARB regulation establishes minimum and maximum oxygen content requirements for gasoline sold in the wintertime from November 1992 through February 1996. The ARB has also adopted the Phase 2 reformulated gasoline (Phase 2 RFG) regulations, which establish a set of specifications for eight properties of California gasoline starting in March, 1996. These include year-round minimum and maximum oxygen content limits. In both programs, the regulations provide that compliance with the oxygen content limits is to be determined through the use of American Society of Testing and Materials (ASTM) Method D 4815-93, "Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C_1 to C_4 Alcohols in Gasoline by Gas Chromatography." This method is also designated for use in determining the ethanol content of gasoline under the ARB's regulation limiting the Reid vapor pressure (RVP) of gasoline.

The staff proposes that the Board amend the designations of the test method for determining the oxygen content of gasoline, by designating ASTM's updated Method D 4815-94. The current method was approved by ASTM in 1993, while the proposed updated method was approved by ASTM in 1994. The instrumentation, materials, operating parameters and procedures used in the two methods are identical or nearly identical. The 1994 method contains an improved calibration procedure, which improves the precision of the test method as reflected in an improved reproducibility. The staff proposes that the updated method also be designated for use in determining the ethanol content of gasoline in the current RVP regulation.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on large or small businesses, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code Section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the staff report.

The Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected resulting from the proposed action.

The Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will not affect small business. The reasons for this determination are that small businesses are not required to conduct tests of the oxygen content of their gasoline or to enforce the oxygen content test method, and that any benefit derived or detriment incurred by small business from enforcement of the amendments would be de minimis.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 28, 1995, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in Health and Safety Code Sections 39600, 39601, 43013, 43018, 43101, and 43830; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). This action is proposed to implement, interpret and make specific Health and Safety Code Sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 39606, 41511, 43000, 43016,