

State of California
AIR RESOURCES BOARD

Resolution 95-29

June 29, 1995

Agenda Item No.: 95-6-4

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (the "Board") to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Health and Safety Code section 43018(a) directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, Health and Safety Code section 43018(c) provides that in carrying out section 43018, the Board shall adopt standards and regulations which will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel, including but not limited to the specifications of vehicular fuel composition;

WHEREAS, Health and Safety Code section 43013 authorizes the Board to adopt and implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution which the Board has found to be necessary, cost-effective, and technologically feasible to carry out the purpose of Division 26 of the Health and Safety Code;

WHEREAS, Title 13, California Code of Regulations, section 2258 establishes minimum and maximum oxygen content standards for California gasoline sold in specified winter months from November 1992 through February 1996;

WHEREAS, Title 13, California Code of Regulations, section 2262.5 is part of the Board's Phase 2 reformulated gasoline regulations, and establishes year-round minimum and maximum oxygen content standards for California gasoline supplied on or after March 1, 1996;

WHEREAS, Title 13, California Code of Regulations, sections 2258(c) and 2263(b) provide that American Society of Testing and Materials (ASTM) Test Method D 4815-93 is to be used in determining compliance with the gasoline oxygen content standards identified above;

WHEREAS, Title 13, California Code of Regulations, section 2251.5(c)(2) provides that Test Method ASTM D 4815-93 is to be used in determining the ethanol content of gasoline for purposes of determining compliance with the Board's limit on the Reid vapor pressure of gasoline sold in specified

summer months through 1995, and specifies the method for converting the concentration of ethanol from percent by mass to percent by volume;

WHEREAS, the Western States Petroleum Association (WSPA), by a letter dated October 6, 1994, petitioned the Board to amend the wintertime oxygenates regulations by designating Test Method ASTM D 4815-94 in place of Test Method ASTM D 4815-93;

WHEREAS, the Board's Executive Officer granted WSPA's petition, indicating that the requested rulemaking would be scheduled in time for the updated test method to apply when the 1995-1996 wintertime oxygenate season starts on October 1, 1995;

WHEREAS, the staff has determined that Test Method ASTM D 4815-94 is more precise than Test Method ASTM D4815-93 and other alternative methods for the measurement of gasoline oxygen content, and has proposed regulatory amendments designating Test Method ASTM D 4815-94 in place of Test Method ASTM D 4815-93 for determining the oxygen and ethanol content of gasoline;

WHEREAS, the regulatory proposal would be effected by amendments to Title 13, California Code of Regulations, sections 2251.5(c), 2258(c) and 2263(b) as set forth in Attachment A;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board has considered the effect of the proposed amendments on the economy of the state;

WHEREAS, the Board finds that:

The designation of Test Method ASTM D 4815-94 for the determination of gasoline oxygen content will improve the effectiveness of the Board's requirements regarding the oxygen content of California gasoline;

The designation of Test Method ASTM D 4815-94 for the determination of gasoline ethanol content will improve the effectiveness of the Board's requirements regarding the RVP of California gasoline sold prior to 1996;

The amendments adopted herein will not result in any significant adverse environmental impacts, and will have no, or an insignificant, impact on California business enterprises.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to sections 2251.5(c), 2258(c) and 2263(b) of Title 13, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that, following approval by the Office of Administrative Law of the amendments adopted herein, the Executive Officer is directed, as appropriate, to adopt the amendments as part of the California State Implementation Plan and to submit them to the U.S. Environmental Protection Agency as a revision to the California State Implementation Plan.

I hereby certify that the above is a true and correct copy of Resolution 95-29, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

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Identification of Attachment to the Resolution

Attachment A: Proposed Amendments to Title 13, California Code of Regulations, Sections 2258(c), 2251.5(c), and 2263(b) as set forth in Attachment B to the Staff Report