

State of California
AIR RESOURCES BOARD

Resolution 79-75
September 27, 1979

WHEREAS, the Air Resources Board, pursuant to Sections 39002, 39003, and 39500 of the Health and Safety Code, is responsible for the control of air pollution from motor vehicles;

WHEREAS, the Air Resources Board, pursuant to Sections 43013 and 43101 of the Health and Safety Code, has been directed to adopt and implement emission standards for the control of air contaminants from motor vehicles;

WHEREAS, the Air Resources Board, pursuant to Section 41511 of the Health and Safety Code, is authorized to adopt regulations requiring action as necessary for the determination of the amount of emissions from any source;

WHEREAS, the Air Resources Board, pursuant to Sections 39600, 39601, and 39605 of the Health and Safety Code, is directed to adopt rules and regulations and do such acts as necessary, including the holding of public hearings, for the proper execution of its powers and duties;

WHEREAS, the California Supreme Court in Western Oil and Gas Association v. Orange County Air Pollution Control District, 14C. 3d 411 (1975), ruled that the Board has the authority to regulate the fuel content of gasoline including lead content, pursuant to the aforesaid provisions;

WHEREAS, the California ambient air quality standard for lead is exceeded by a wide margin in most urban areas of the State, and the primary source of the lead in the ambient air is lead additives in gasoline;

WHEREAS, a state of emergency had been declared to exist in certain counties in the State of California as a result of a severe gasoline shortage;

WHEREAS, the Air Resources Board has reaffirmed its position that lead in the ambient air represents a hazard to the public health and welfare;

WHEREAS, the Board has historically documented that the concentrations of lead in the ambient air are lower during the summer months and through the month of September;

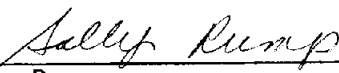
WHEREAS, the Board desires to prevent the misfueling of late model cars designed to run only on unleaded fuel by making more unleaded fuel available;

WHEREAS, testimony received by the Board following public meetings of May 10, 1979 and May 17, 1979 adequately demonstrates to the Board's satisfaction that refiners of motor vehicle fuels, if granted a limited waiver of the current lead requirements, could produce more unleaded and leaded gasoline and thereby ease the critical shortages facing Californians and at the same time reduce the risk to the environment from the adverse results of misfueling;

WHEREAS, a public hearing upon thirty days notice and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act (California Government Code Sections 11371 et seq.);

NOW, THEREFORE, BE IT RESOLVED, that the Board amends Section 2253 of Title 13 of the California Administrative Code by adding Subsections (h) and (i), set forth in Attachment A hereto.

I certify that the above is a true and correct copy of Resolution 79-75 as passed by the Air Resources Board



Sally Rump
Board Secretary

ATTACHMENT A

(h) The Executive Officer may grant to a refiner for a three-month period (January - March, April - June, July - September, October - December) or any remaining portion thereof, a waiver of the requirement of Section 2253(a) or Section 2253(b) if:

- 1) a state of emergency in gasoline supply for the entire state or the applicable any portion thereof has been declared by the Governor, and
- 2) the Executive Officer determines that the granting of waivers to all refiners who would be eligible for such a waiver would not interfere with the attainment and maintenance of the National Ambient Air Quality Standard for lead for the period of the waiver. ~~in-the-area-covered-by-the-waiver-~~

Prior to taking action pursuant to this Section (h) the Executive Officer shall consult with the Department of Health regarding the ambient concentrations of lead which the Executive Officer predicts will occur as a result of such action.

(i) The Executive Officer may require conditions on a waiver to enable the Executive Officer to determine the effect of the granting of the waiver and to minimize the adverse effects of the use of higher lead content gasoline.

State of California
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Response to Significant Environmental Issues

Item: Adoption of Amendments to Section 2253 of the California
Administrative Code Limiting the Lead Content of Gasoline
Sold in California

Public Hearing Date: September 27, 1979

Response Date: September 27, 1979

Issuing Authority: Air Resources Board

Comment: None Received

Response: N/A

CERTIFIED:

Sally Rump
Board Secretary

Date: September 27, 1979

State of California
AIR RESOURCES BOARD

Supplemental Staff Report Re Significant Environmental Issues

Public Hearing to Consider Amendments to State Regulations
Which Limit the Lead Content of Gasoline Sold in California

79-22-1

Date of Release: September 27, 1979

Scheduled for Consideration: September 27, 1979

1. Discussion

Section 60007 of the Board's regulations in Title 17, California Administrative Code, directs the staff to report to the Board regarding environmental issues raised by public comments, for consideration by the board on any matter for which a public hearing is required.

The staff has received no comments identifying any environmental issues pertaining to this item. The staff report, in Section V identifies significant environmental issues.

2. Recommendation

The staff recommends that the Board adopt, before it takes any final action on this item, the attached proposed Response to Significant Environmental Issues.