

State of California
AIR RESOURCES BOARD

Resolution 84-31

May 24, 1984

Agenda Item No.: 84-9-4

WHEREAS, the Air Resources Board (the "Board") is authorized pursuant to the authority set forth in Health and Safety Code Sections 39600, 39601, 43013, and 43101 to adopt regulations governing the composition of motor vehicle fuels as they affect motor vehicle emissions, and such regulations are necessary in order to implement, interpret, or make specific Health and Safety Code Sections 39000, 39001, 39002, 39006, 43000, 43013, and 43101 and Western Oil and Gas Ass'n v. Orange County APCD, 14 Cal.3d 411 (1975);

WHEREAS, in 1982 the Board adopted Section 2253.2 of Title 13, California Administrative Code, which limits the maximum lead content of leaded gasoline sold in California;

WHEREAS, on June 21, 1983 the Western Oil and Gas Association ("WOGA") petitioned the Board to reconsider and repeal Subsections (c) and (e) and amend Subsection (m) of Section 2253.2;

WHEREAS, following consideration of the WOGA petition by a committee of the Board, on January 26, 1984, the Board denied WOGA's petition to repeal Subsections (c) and (e), granted the petition to amend Subsection (m), and directed the staff to develop proposed amendments to Subsections (c) and (m) of Section 2253.2 implementing the committee's recommendations;

WHEREAS, Section 2253.2(c) establishes limits for the per gallon lead content of all leaded gasoline sold in California, with provisions authorizing exceedances of those limits if a producer or importer satisfies specified reporting requirements and offsets the excess lead within 90 days after the limits are exceeded;

WHEREAS, Section 2253.2(m) provides that the test method for determining the lead content of gasoline and gasoline blending stocks is the method adopted by the U.S. Environmental Protection Agency in Title 40, Code of Federal Regulations, Part 80, Appendix B ("Tests for Lead in Gasoline by Atomic Absorption Spectrometry") as it existed July 1, 1982;

WHEREAS, pursuant to the Board's direction staff has prepared amendments to Section 2253.2(c) which would allow banking of lead credits, provide a limited exception to the reporting deadlines, shorten the low-lead gasoline advance notice period, amend the specification of events which trigger the offset period, and authorize protocols specifying how Subsection (c) is to be applied to a producer's or importer's operations, and has proposed amendments to Section 2253.2(m) which specify American Society of Testing and Materials test methods for determining lead content of gasoline and gasoline blending stocks;

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

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; and

WHEREAS, the Board finds that:

The amendments to Section 2253.2(c), Title 13, California Administrative Code, set forth in Attachment A will provide additional flexibility for leaded gasoline producers and importers without significantly reducing the stringency or effectiveness of Subsection (c) as an enforcement tool;

The amendments to Section 2253.2(m), Title 13, California Administrative Code, set forth in Attachment A establish lead content test methods which have established precision factors, are supported by industry, and do not affect the stringency of the regulation;

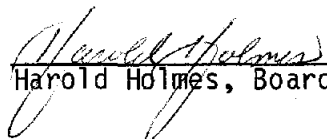
The amendments approved herein will not affect the quarterly average lead content limits contained in Section 2253.2(d), Title 13, California Administrative Code; and

The amendments approved herein will have no significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board amends Section 2253.2(c) and (m), Title 13, California Administrative Code, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that notwithstanding the amendments adopted herein, the provisions of Section 2253.2(c) and (m), Title 13, California Administrative Code, as they existed prior to the effective date of the amendments, shall continue to be in operation with respect to any activities occurring prior to the effective date of the amendments which at the time were subject to the previous regulatory provisions.

I certify that the above is a true and correct copy of Resolution 84-31, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Proposed Amendments of Subsections (c) and (m) of Title 13, California Administrative Code Section 2253.2, Regarding Lead in Gasoline.

Agenda Item No.: 84-9-2

Public Hearing Date: May 24, 1984

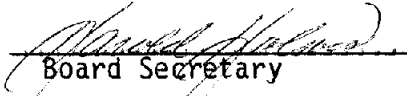
Response Date: May 24, 1984

Issuing Authority: Air Resources Board

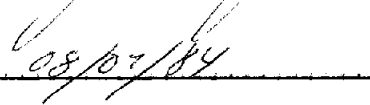
Comment: No public comments were received identifying any significant environmental issues pertaining to this item. The staff report concluded that the proposed amendments would not result in significant adverse environmental impacts.

Response: N/A

CERTIFIED:


Board Secretary

Date:


08/07/84

Amend Section 2253.2(c), Title 13, California Administrative Code, to read as follows:

(c) No person shall sell, offer for sale, or deliver for sale any California leaded gasoline which exceeds the lead content per gallon specified below:

<u>Effective Date of Limitation*</u>	<u>Maximum Lead Content (grams per gallon)</u>	
	<u>Leaded Gasoline Other than Leaded High Octane Gasoline</u>	<u>Leaded High Octane Gasoline</u>
July 1, 1983 through September 30, 1984	1.1	1.4
After September 30, 1984	0.8	1.0

However, a person may sell, offer for sale, or deliver for sale California leaded gasoline which exceeds the lead content specified above if the following conditions are satisfied, and the lead content of the gasoline does not exceed the lead content reported pursuant to the following conditions:

(1) A producer or importer shall notify the executive officer or his or her designee of the estimated or actual volume (in gallons) of the gasoline, the estimated or actual lead content (in grams per gallon) of the gasoline, and whether the gasoline to be sold is leaded high octane gasoline or leaded gasoline other than leaded high octane gasoline. This notification shall be received at least 24 hours prior to the start of physical transfer of the gasoline from the California gasoline production facility. If actual values are later determined to be different from the estimated values reported, follow-up notification of the actual values shall occur within 24 hours after the start of physical transfer of the gasoline from the California gasoline production facility.

(2) Within 90 days before or after the start of physical transfer of gasoline for which notification is made pursuant to paragraph (c)(1) above, the producer or importer shall ~~set~~ complete the physical transfer of California leaded gasoline from its California gasoline production facility in sufficient quantity and at a lead content below the applicable maximum lead content limit set forth in the table in paragraph (c) to offset the total grams of lead reported in excess of the maximum limit. The producer or importer shall notify the executive officer or his or her designee of the estimated or actual

* These headings are in the existing regulation and would not be changed.

volume (in gallons) of the gasoline, the estimated or actual lead content (in grams per gallon) of the gasoline, and whether the gasoline to be sold is leaded high octane gasoline or leaded gasoline other than leaded high octane gasoline. This notification shall be received at least 48 24 hours prior to the start of physical transfer of the gasoline from the California gasoline production facility. If actual values are later determined to be different from the estimated values reported, follow-up notification of the actual values shall occur within 24 hours after the start of physical transfer of the gasoline from the California gasoline production facility.

(3) If through no intentional or negligent conduct, a producer or importer cannot report within the time periods specified in paragraphs (c)(1) or (2), then the producer or importer shall notify the executive officer or his or her designee of the required data as soon as reasonably possible and shall provide a written explanation of the cause of the delay in reporting. If, based on the written explanation and the surrounding circumstances, the executive officer determines that the conditions of paragraph (c)(3) are met, timely notification shall be deemed to have occurred.

(4) The executive officer or his or her designee may enter into a protocol with any individual producer or importer for the purpose of specifying how the conditions contained in paragraphs (c)(1) and (2) shall be applied to the producer's or importer's particular operations, as long as he or she reasonably determines that application of the regulatory requirements under the protocol is not significantly less stringent or enforceable than application of the express terms of paragraphs (c)(1) and (2). The terms of such a protocol shall be limited to one or more of the following: specification of alternative events from which the notification and offset periods are measured, including physical transfer from a facility in California which is operated by a producer and at which the producer stores California leaded gasoline; provision for flexibility in the 24-hour reporting requirements to allow for reporting during normal business hours only; and reporting of actual lead content values within 24 hours after a producer determines the values.

Amend Section 2253.2(m), Title 13, California Administrative Code, to read as follows:

(m) The lead content of gasoline and gasoline blending stocks shall be determined in accordance with the test methods set forth below:

<u>Range of Applicability**</u> <u>(grams per gallon)</u>	<u>ASTM Test Method</u>
<u>less than 0.10</u>	<u>D3237-79</u>
<u>0.10 and greater</u>	<u>D2599-81, Method B</u>

~~in Appendix B- ("Tests for Lead in Gasoline by Atomic Absorption Spectrometry") of Title 40, Code of Federal Regulations, Part 80, as it existed on July 1, 1982.~~ The phosphorus content of gasoline shall be determined in accordance with ASTM Test Method D3231-73. ~~An equivalent test method for determining~~

** These headings are proposed to be added; they would be underlined in the final text.