

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

2011 AMENDMENTS TO THE CALIFORNIA REFORMULATED
GASOLINE REGULATIONS

Public Hearing Date: October 21, 2011
First Public Availability Dates: May 15, 2012 – May 30, 2012
Second Public Availability Release Date: June 14, 2012
Deadline for Second Public Comment Period: June 29, 2012

At its October 21, 2011, public hearing, the Air Resources Board (ARB/Board) approved the repeal of title 13, California Code of Regulations section 2258; and approved proposed amendments with modifications to sections 2260, 2261, 2264, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model" as last amended August 7, 2008), 2265.1, 2266, 2266.5, and 2271 of title 13, California Code of Regulations. The amendments relate to the California reformulated gasoline (CaRFG) regulations, and would: (1) help preserve the benefits of the Phase 2 CaRFG standards and correct errors of coefficients in the Predictive Model, and (2) include other miscellaneous changes to improve consistency, flexibility, and enforceability.

At the hearing, the staff presented, and the Board approved, modifications to the regulatory amendments originally proposed in the Staff Report released on August 31, 2011, in response to comments received since the Staff Report was published. These modifications included restrictions on blending California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB) with other materials.

Board Resolution 11-36 (Resolution) approved staff's proposed modifications. Appended to the Resolution were the initially noticed regulatory text (as Attachment A) and the staff's suggested modifications to that text, for which the staff had not yet developed specific regulatory language (as Attachment B), both of which were made available at the hearing. The Resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:
<http://www.arb.ca.gov/regact/2011/carfg11/carfg11.htm>.

As a result of Board direction on October 21, 2011, the first Notice of Public Availability of Modified Text (1st 15-Day Change Notice) was issued on May 15, 2012. Based on comments received on the 1st 15-day proposed changes, additional modifications to the regulatory text are being proposed in this Second Notice of Public Availability of Modified Text (2nd 15-Day Change Notice).

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to repeal section 2258 and adopt amendments to sections 2260, 2261, 2264, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model"), 2265.1, 2266, 2266.5, and 2271 of title 13, California Code of Regulations, after making the modified regulatory language available to the public for a supplemental written comment period of 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications to the regulation as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if determined that this is warranted.

Modified Text Being Made Available

Attachment A to this 2nd 15-Day Public Notice contains the additional proposed regulatory text changes showing the modifications to the initially proposed regulatory text that was made available at the time of the 45-Day Public Notice and at the time of the 1st 15-Day Change Notice. As shown in the 45-Day Public Notice, the existing regulatory language is denoted by plain text, while additions to the existing regulatory text, as initially proposed, were denoted by single underline and deletions by ~~single-strikeout~~. The additional proposed changes to the existing regulatory text that were included in the 1st 15-Day Change Notice are denoted in Attachment A by double underline for additions with no further deletions proposed. The additional proposed changes to the existing regulatory text that are subject to comment in this 2nd 15-day comment period are denoted in Attachment A by *italicized double-underline* for additions. No further deletions are proposed.

Summary of Proposed Modifications

The following is a summary of the proposed modification to the regulation and staff's rationale for proposing the modification.

Restrictions on blending CARBOB with other materials

1. Added an exception to allow for mixing of CARBOB with vapor recovery condensate.

RATIONALE: Industry expressed a desire to blend vapor recovery condensate with CARBOB. The additional proposed modification will allow for the mixing of vapor recovery condensate with CARBOB in specified situations.

Written comments will only be accepted on the modifications identified in this notice (i.e., *italicized double-underline* text) and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment