

APPENDIX A

Proposed Regulation Order: Amendments to the California Reformulated Gasoline Regulations

&

Proposed Amendments to the California Procedures for Evaluating Alternative Specifications
for Phase 2 Reformulated Gasoline Using the California Predictive Model
(Incorporated by Reference in Section 2265(a), Title 13, California Code of Regulations)

Proposed Regulation Order

Amendments to the California Reformulated Gasoline Regulations

Note: The preexisting regulation text is set forth below in normal type. The proposed amendments are shown in *italics* to indicate additions and ~~strikeout~~ to show deletions. As printed in Barclays California Code of Code of Regulations, subsection headings are shown in italics. In order to clearly identify proposed language, the text below shows subsection headings in bold, with italics only for new language. The characters “* * * *” indicate that no amendments to the omitted intervening text are being proposed.

Amend title 13, California Code of Regulations (CCR), sections 2260-2262.7 and 2265(a) to read as follows:

Section 2260. Definitions

(a) For the purposes of this article, the following definitions apply:

* * * *

(29.5) *“Racing vehicle” means a competition vehicle not used on public highways.*

* * * *

(32.5) *“South Coast Area” means the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura.*

* * * *

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2261. Applicability of Standards; Additional Standards.

(a)(1)(A) Unless otherwise specifically provided, the standards in sections 2262.1(a), 2262.2(a), 2262.3(a), 2262.4(a), 2262.5(a) and (b), 2262.6(a) and 2262.7(a) shall apply:

1. starting April 15, 1996 to all sales, supplies, offers or movements of California gasoline except for transactions directly involving:
 - a. the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, or
 - b. the delivery of gasoline from a bulk plant to a retail outlet or bulk purchaser-consumer facility, and
2. starting June 1, 1996 to all sales, supplies, offers or movements of California gasoline, including transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility.

(B) The remaining standards and requirements contained in this subarticle shall apply to all sales, supplies, or offers of California gasoline occurring on or after March 1, 1996.

- (2) The standards in sections 2262.1(a), 2262.2(a), 2262.3(a), 2262.4(a), 2262.5(a) and (b), 2262.6(a) and 2262.7(a) shall not apply to transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, where the person selling, offering, or supplying the gasoline demonstrates as an affirmative defense that the exceedance of the pertinent standard was caused by gasoline delivered to the retail outlet or bulk purchaser-consumer facility prior to April 15, 1996, or delivered to the retail outlet or bulk purchaser-consumer facility directly from a bulk plant prior to June 1, 1996.
- (b) California gasoline sold or supplied on or after March 1, 1996, is also subject to section 2253.4 (Lead/Phosphorus in Gasoline), section 2254 (Manganese Additive Content), and section 2257 (Required Additives in Gasoline). California gasoline that is supplied from a small refiner's California refinery prior to March 1, 1998, and that qualifies for treatment under section 2272(a), shall also be subject to section 2250 (Degree of Unsaturation of Gasoline) and section 2252 (Sulfur Content of Gasoline).
- (c) The standards contained in this subarticle shall not apply to a sale, offer for sale, or supply of California gasoline to a refiner if: (1) the refiner further processes the gasoline at the refiner's refinery prior to any subsequent sale, offer for sale, or supply of the gasoline, and (2) in the case of standards applicable only to producers or importers, the refiner to whom the gasoline is sold or supplied is the producer of the gasoline pursuant to section 2260(a)(26)(B).
- (d) The prohibitions in sections 2262.2(b) and (c), 2262.3(b) and (c), 2262.4(b) and (c), 2262.5(c), 2262.6(b), (c), (d) and (e), and 2262.7(b) and (c) shall not apply to gasoline which a producer or importer demonstrates was neither produced nor imported by the producer or importer.

(e) *This subarticle 2, section 2253.4 (Lead/Phosphorus in Gasoline) and section 2254 (Manganese Additive Content) shall not apply to gasoline where the person selling, offering or supplying the gasoline demonstrates as an affirmative defense that the person has taken reasonably prudent precautions to assure that the gasoline is used only in racing vehicles.*

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.1. Standards for Reid Vapor Pressure.

(a) Basic Regulatory Standard.

(1) No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has a Reid vapor pressure exceeding 7.00 pounds per square inch within each of the air basins during the regulatory period set forth in section (a)(2).

(2) Basic Regulatory Control Periods.

(A) April 1 through October 31:

South Coast Air Basin and Ventura County
San Diego Air Basin
~~Southeast Desert Air Basin~~
Mojave Desert Air Basin
Salton Sea Air Basin

(B) May 1 through September 30:

Great Basin Valley Air Basin

(C) May 1 through October 31:

San Francisco Bay Area Air Basin
San Joaquin Valley Air Basin
Sacramento Valley Air Basin
Mountain Counties Air Basin
Lake Tahoe Air Basin

(D) June 1 through September 30:

North Coast Air Basin
Lake County Air Basin
Northeast Plateau Air Basin

(E) June 1 through October 31:

North Central Coast Air Basin

South Central Coast Air Basin (Excluding Ventura County)

(b) Additional Regulatory Standards for Gasoline Sold, Supplied or Transferred from a Production or Import Facility.

(1) California gasoline sold, offered for sale, supplied or offered for supply by a producer or importer from its production facility or import facility in an air basin during the regulatory period specified in section (b)(2) shall have a Reid vapor pressure not exceeding 7.00 pounds per square inch. California gasoline transported directly from a production facility or import facility in an air basin during the regulatory period set forth in section (b)(2) shall have a Reid vapor pressure not exceeding 7.00 pounds per square inch.

(2) Additional Regulatory Control Periods.

(A) March 1 through March 31 (March 1 through April 14 in 1996):

South Coast Air Basin and Ventura County

San Diego Air Basin

~~Southeast Desert Air Basin~~

Mojave Desert Air Basin

Salton Sea Air Basin

(B) April 1 through April 30:

San Francisco Bay Area Air Basin

San Joaquin Valley Air Basin

Sacramento Valley Air Basin

Great Basin Valley Air Basin

Mountain Counties Air Basin

Lake Tahoe Air Basin

(C) May 1 through May 31:

North Central Coast Air Basin

South Central Coast Air Basin (Excluding Ventura County)

North Coast Air Basin

Lake County Air Basin

Northeast Plateau Air Basin

(c) Applicability.

(1) Section (a) shall not apply to a transaction occurring in an air basin during the basic regulatory control period where the person selling, supplying, or offering the gasoline

demonstrates as an affirmative defense that, prior to the transaction, he or she has taken reasonably prudent precautions to assure that the gasoline will be delivered to a retail service station or bulk purchaser-consumer's fueling facility when the station or facility is not subject to a basic regulatory control period.

- (2) Section (b) shall not apply to a transaction occurring in an air basin during the additional regulatory control period for producers and importers where the person selling, supplying, offering or transporting the gasoline demonstrates as an affirmative defense that, prior to the transaction, he or she has taken reasonably prudent precautions to assure that the gasoline will be delivered to a retail service station or bulk purchaser-consumer's fueling facility located in an air basin not then subject to the basic regulatory control period or the additional control period for producers and importers.
- (3) Section (a)(1) shall not apply to a transaction occurring in an air basin during the basic regulatory control period where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that the last delivery of gasoline to the stationary storage tank occurred more than fourteen days before the start of the basic regulatory control period.
- (4) *For purposes of compliance with section 2262.1(b) only, gasoline that is produced in California and is transported to the South Coast Air Basin, Ventura County, or the San Diego Air Basin by marine vessel shall be treated as having been imported at the facility to which the gasoline is off-loaded from the marine vessel.*

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.2. Standards for Sulfur Content.

- (a) **Maximum sulfur standard for all California gasoline.** No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has a sulfur content exceeding 80 parts per million by weight.
- (b) **Additional flat sulfur standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a sulfur content exceeding 40 parts per million by weight, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (c), or unless the gasoline (1) is subject to the averaging~~

compliance option for sulfur in accordance with section 2264.2(a), (2) has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or (3) has been reported as an alternative gasoline formulation pursuant to section 2266(c).

- (c) **Sulfur averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (e),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a sulfur content exceeding 30 parts per million by weight, ~~unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(e), or unless:~~ *is subject to the averaging compliance option for sulfur in accordance with section 2264.2(a) if any of the following occurs:*

(1) The sulfur content of the gasoline exceeds 30 parts per million and no designated alternative limit for sulfur content has been established for the gasoline in accordance with the requirements of section 2264(a); or

~~(1)(2)~~ *(2) A designated alternative limit for sulfur content has been established for the gasoline in accordance with the requirements of section 2264(a), and (2) The the sulfur content of the gasoline does not exceeds the designated alternative limit, and; or*

(3) Where the designated alternative limit exceeds 30 parts per million, the excess sulfur content is not fully offset in accordance with section 2264(c).

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.3. Standards for Benzene Content.

(a) **Maximum benzene standard for all California gasoline.** No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has a benzene content exceeding 1.20 percent by volume.

(b) **Additional flat benzene standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a benzene content exceeding 1.00 percent by volume, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (e), or unless the gasoline (1) is subject to the averaging compliance option for benzene in accordance with section 2264.2(a), (2) has been reported as a PM~~

alternative gasoline formulation pursuant to section 2265(a), or (3) *has been reported* as an alternative gasoline formulation pursuant to section 2266(c).

(c) **Benzene averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (e),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a benzene content exceeding 0.80 percent by volume, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), ~~or unless:~~ *is subject to the averaging compliance option for benzene in accordance with section 2264.2(a) if any of the following occurs:*

(1) *The benzene content of the gasoline exceeds 0.80 percent by volume and no designated alternative limit for benzene content has been established for the gasoline in accordance with the requirements of section 2264(a); or*

~~(1)~~(2) *A designated alternative limit for benzene content has been established for the gasoline in accordance with the requirements of section 2264(a), and ~~(2)~~The the benzene content of the gasoline does not exceeds the designated alternative limit, and; or*

(3) *Where the designated alternative limit exceeds 0.80 percent by volume, the excess benzene content is not fully offset in accordance with section 2264(d).*

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.4. Standards for Olefin Content.

(a) **Maximum olefin standard for all California gasoline.** No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has an olefin content exceeding 10.0 percent by volume.

(b) **Additional flat olefin standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has an olefin content exceeding 6.0 percent by volume, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (e), or unless the gasoline (1) is subject to the averaging compliance option for olefin in accordance with section 2264.2(a), (2) has been reported as a PM~~

alternative gasoline formulation pursuant to section 2265(a), or (3) *has been reported* as an alternative gasoline formulation pursuant to section 2266(c).

(c) **Olefin averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (e),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has an olefin content exceeding 4.0 percent by volume, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), ~~or unless:~~ *is subject to the averaging compliance option for olefin in accordance with section 2264.2(a) if any of the following occurs:*

(1) *The olefin content of the gasoline exceeds 4.0 percent by volume and no designated alternative limit for olefin content has been established for the gasoline in accordance with the requirements of section 2264(a); or*

~~(1)~~(2) A designated alternative limit for olefin content has been established for the gasoline in accordance with the requirements of section 2264(a), and ~~(2)~~ *The the olefin content of the gasoline does not exceeds the designated alternative limit, and; or*

(3) Where the designated alternative limit exceeds 4.0 percent by volume, the excess olefin content is *not* fully offset in accordance with section 2264(e).

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.5. Standards for Oxygen Content.

(a) **Minimum wintertime oxygen content standard for ~~all California~~ gasoline specified areas.**

(1) ~~Within each of the air basins~~ *the areas and periods* during the regulatory control period set forth in section (a)(2), no person shall sell, offer for sale, supply, offer for supply, or transport California gasoline unless it has an oxygen content of not less than 1.8 percent by weight.

(2) **Regulatory Control Periods**

(A) October 1 through February 29 *(of any year):*

~~South Coast Air Basin and Ventura County Area~~

(B) October 1, 1998 through January 31, 1999 and October 1, 1999 through January 31, 2000:

~~Sacramento Valley Air Basin~~
~~San Joaquin Valley Air Basin~~
~~San Francisco Bay Area Air Basin~~
Lake Tahoe Air Basin
~~Great Basin Valley Air Basin~~
~~Mountain Counties Air Basin~~
~~North Coast Air Basin~~
~~Lake County Air Basin~~
~~Northeast Plateau Air Basin~~
~~North Central Coast Air Basin~~
~~San Luis Obispo County~~
Fresno County
Madera County

(C) November 1 through February 29 (*of any year*):

~~San Diego Air Basin~~
~~Santa Barbara County~~
~~Southeast Desert Air Basin~~
Imperial County

- (b) **Maximum oxygen content standard for all California gasoline.** No person shall sell, offer for sale, supply, or transport California gasoline which has an oxygen content exceeding ~~2.7~~ 3.5 percent by weight.
- (c) **Additional oxygen content standards for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production or import facility California gasoline which has an oxygen content less than 1.8 percent by weight or more than 2.2 percent by weight, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), and complies with the standards contained in sections (a) and (b).
- (d) **Restrictions on adding oxygenates to California gasoline after it has been supplied from the production or import facility.** No person may add oxygenates to California gasoline after it has been supplied from the production or import facility at which it was produced or imported, except where the person adding the oxygenates demonstrates that: [i] the gasoline to which the oxygenates are added has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or as an alternative gasoline formulation pursuant to section 2266(c), and has not been commingled with other gasoline, and [ii] both before and after the

person adds the oxygenate to the gasoline, the gasoline has an oxygen content within the oxygen content specifications of the applicable PM alternative gasoline formulation or alternative gasoline formulation. Nothing in this section (d) prohibits adding oxygenates to CARBOB.

(e) Application of prohibitions.

(1) Section (a) shall not apply to a transaction occurring in ~~an air basin during the regulatory control period~~ *the areas and periods shown in (a)(2)* where the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that, prior to the transaction, he or she has taken reasonably prudent precautions to assure that the gasoline will *not* be delivered to a retail service station or bulk purchaser-consumer's fueling facility ~~when the station or facility is not subject to a regulatory control period in the areas and periods shown in (a)(2).~~

(2) *Section (a) shall not apply to a transaction occurring in an area shown in (a)(2) in October (or in November in the case of Imperial County) where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that the last delivery of gasoline to the stationary storage tank occurred no later than September 16 (October 17 in the case of Imperial County) of that year.*

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.6. Standards for Distillation Temperatures.

- (a) **Maximum distillation temperature standards for all California gasoline.** No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has a T90 (90 percent distillation temperature) exceeding 330 degrees Fahrenheit, or which has a T50 (50 percent distillation temperature) exceeding 220 degrees Fahrenheit.
- (b) **Additional flat T90 distillation temperature standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a T90 (90 percent distillation temperature) exceeding 300 degrees Fahrenheit, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (c), or unless the~~ gasoline (1) *is subject to the averaging compliance option for T90 in accordance with section*

2264.2(a), (2) has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or (3) *has been reported* as an alternative gasoline formulation pursuant to section 2266(c).

(c) **T90 averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (c),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a T90 ~~exceeding 290 degrees Fahrenheit, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), or unless:~~ *is subject to the averaging compliance option for T90 in accordance with section 2264.2(a) if any of the following occurs:*

(1) *The T90 exceeds 290 degrees Fahrenheit and no designated alternative limit for T90 content has been established for the gasoline in accordance with the requirements of section 2264(a); or*

~~(1)(2)~~ (2) *A designated alternative limit for T90, not exceeding 310 degrees Fahrenheit, has been established for the gasoline in accordance with the requirements of section 2264(a), and* ~~(2) The the T90 of the gasoline does not exceeds the designated alternative limit, and; or~~

(3) *Where the designated alternative limit exceeds 290 degrees Fahrenheit, the exceedance is not fully offset in accordance with section 2264(f).*

(d) **Additional flat T50 distillation temperature standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a T50 (50 percent distillation temperature) exceeding 210 degrees Fahrenheit, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (c), or unless the gasoline~~ *(1) is subject to the averaging compliance option for T50 in accordance with section 2264.2(a), (2) has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or (3) has been reported as an alternative gasoline formulation pursuant to section 2266(c).*

(e) **T50 averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (c),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has a T50 ~~exceeding 200 degrees Fahrenheit, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), or unless:~~ *is subject to the averaging compliance option for T50 in accordance with section 2264.2(a) if any of the following occurs:*

(1) *The T50 exceeds 200 degrees Fahrenheit and no designated alternative limit for T50 content has been established for the gasoline in accordance with the requirements of section 2264(a); or*

~~(1)(2)~~ A designated alternative limit for T50 has been established for the gasoline in accordance with the requirements of section 2264(a), and ~~(2)~~ *The the T50 of the gasoline does not exceeds the designated alternative limit, and; or*

(3) Where the designated alternative limit exceeds 200 degrees Fahrenheit, the exceedance is *not* fully offset in accordance with section 2264(g).

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

Section 2262.7. Standards for Aromatic Hydrocarbon Content.

- (a) **Maximum aromatic hydrocarbon standard for all California gasoline.** No person shall sell, offer for sale, supply, offer for supply, or transport California gasoline which has a aromatic hydrocarbon content exceeding 30.0 percent by volume.
- (b) **Additional flat aromatic hydrocarbon standard for producers and importers.** No producer or importer shall sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which has an aromatic hydrocarbon content exceeding 25.0 percent by volume, ~~unless the transaction occurs during a period for which the producer or importer has elected to be subject to section (c), or unless the gasoline (1) is subject to the averaging compliance option for aromatic hydrocarbon in accordance with section 2264.2(a), (2) has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or (3) has been reported as an alternative gasoline formulation pursuant to section 2266(c).~~
- (c) **Aromatic hydrocarbon averaging compliance option for producers and importers.** No producer or importer shall, ~~during a period for which the producer or importer has elected to be subject to this section (c),~~ sell, offer for sale, supply, or offer for supply from its production facility or import facility California gasoline which ~~has a aromatic hydrocarbon content exceeding 22.0 percent by volume, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), or unless:~~ *is subject to the averaging compliance option for aromatic hydrocarbon in accordance with section 2264.2(a) if any of the following occurs:*

(1) *The aromatic hydrocarbon content of the gasoline exceeds 22.0 percent by volume and no designated alternative limit for aromatic hydrocarbon content has been established for the gasoline in accordance with the requirements of section 2264(a); or*

~~(1)~~(2) A designated alternative limit for aromatic hydrocarbon content has been established for the gasoline in accordance with the requirements of section 2264(a), and ~~(2)~~~~The~~ *the aromatic hydrocarbon content of the gasoline does not exceeds the designated alternative limit, and; or*

(3) Where the designated alternative limit exceeds 22.0 percent by volume, the excess aromatic hydrocarbon content is *not* fully offset in accordance with section 2264(h).

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

* * * *

Section 2265. Gasoline Subject to PM Alternative Specifications Based on the California Predictive Model.

(a) Election to sell or supply a final blend as a PM alternative gasoline formulation.

- (1) In order to sell or supply from its production facility or import facility a final blend of California gasoline as a PM alternative gasoline formulation subject to PM alternative specifications, a producer or importer shall satisfy the requirements of this section (a).
- (2) The producer or importer shall evaluate the candidate PM alternative specifications in accordance with the Air Resources Board's "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995 *and last amended [Insert date of amendment]*, which is incorporated herein by reference (hereafter the "Predictive Model Procedures"). If the PM alternative specifications meet the criteria for approval in the Predictive Model Procedures, the producer shall notify the executive officer of: (A) The identity, location, and estimated volume of the final blend; (B) the PM alternative specifications that will apply to the final blend, including for each specification whether it applies as a PM flat limit or a PM averaging limit; and (C) the numerical values for percent change in emissions for oxides of nitrogen, hydrocarbons, and potency-weighted toxic air contaminants as determined in accordance with the Predictive Model Procedures. The

notification shall be received by the executive officer before the start of physical transfer of the gasoline from the production or import facility, and in no case less than 12 hours before the producer or importer either completes physical transfer or commingles the final blend.

- (3) Once a producer or importer has notified the executive officer pursuant to this section 2265(a) that a final blend of California gasoline is being sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of California gasoline subsequently sold or supplied from that production or import facility shall be subject to the same PM alternative specifications until the producer or importer either (A) designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications, (B) elects in accordance with section 2264.2 to have a final blend at that facility subject to flat limit compliance options and/or averaging compliance options, or (C) elects in accordance with section 2266(c) to sell a final blend at that facility as an alternative gasoline formulation.
- (4) The executive officer may enter into a written protocol with any individual producer or importer for the purposes of specifying how the requirements in section (a)(2) shall be applied to the producer's or importer's particular operations, as long as the executive officer reasonably determines that application of the regulatory requirements under the protocol is not less stringent or enforceable than application of the express terms of section (a)(2). Any such protocol shall include the producer's or importer's agreement to be bound by the terms of the protocol.
- (5) If, through no intentional or negligent conduct, a producer or importer cannot report within the time period specified in section (a)(2) above, the producer or importer may notify the executive officer of the required data as soon as reasonably possible and may 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 this section (a)(5) have been met, timely notification shall be deemed to have occurred.

* * * *

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

**California Procedures for Evaluating
Alternative Specifications for Phase 2 Reformulated Gasoline
Using the California Predictive Model**

Adopted: April 20, 1995
Amended: [Insert date of amendment]

Note: The proposed amendment is shown in *italics* to indicate an addition and ~~strikeout~~ to indicate a deletion. The only proposed amendment is in Section I.A. Table 1, where the identified cap limit for maximum oxygen content would be changed from 2.7 wt.% to 3.5 wt.%. In light

of the limited nature of the amendment, this document does not show the Table of Contents, the List of Tables, or the text following Section 1.A.

California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model

I. INTRODUCTION

A. Purpose and Applicability

1. The predictive model prescribed in this document may be used to evaluate gasoline specifications as alternatives to the gasoline specifications set forth in Title 13, California Code of Regulations (13 CCR), sections 2262.1 through 2262.7.

This procedure:

- ◆ prescribes the range of specifications that may be utilized to select a set of candidate Phase 2 RFG alternative gasoline specifications for evaluation,
 - ◆ defines the Phase 2 RFG reference specifications,
 - ◆ prescribes the calculations to be used to predict the emissions from the candidate specifications and the reference Phase 2 RFG specifications,
 - ◆ prescribes the calculations to be used to compare the emissions resulting from the candidate specifications to the reference Phase 2 RFG specifications,
 - ◆ establishes the requirements for the demonstration and approval of the candidate specifications as an alternative Phase 2 RFG formulation, and
 - ◆ establishes the notification requirements.
2. Gasoline properties for which alternative gasoline specifications may be set by this procedure include all eight Phase 2 RFG properties, except Reid vapor pressure (RVP).
 3. The Phase 2 RFG specifications, established in 13 CCR, sections 2262.1 through 2262.7, are shown in Table 1.

Table 1
Properties and Specifications for Phase 2 Reformulated Gasoline

Fuel Property	Units	Flat Limit	Averaging Limit	Cap Limit
Reid vapor pressure (RVP)	psi. max.	7.00 ¹	none	7.00
Sulfur (SUL)	ppmw, max.	40	30	80
Benzene (BENZ)	vol.%, max.	1.00	0.80	1.20
Aromatic HC (AROM)	vol.%, max.	25.0	22.0	30.0
Olefin (OLEF)	vol.%, max.	6.0	4.0	10
Oxygen (OXY)	wt. %	1.8 (min) 2.2 (max)	none	1.8(min) ² 2.7 3.5 (max)
Temperature at 50% distilled (T50)	deg. F, max.	210	200	220
Temperature at 90% distilled (T90)	deg. F, max.	300	290	330

¹ Applicable during the summer months identified in 13 CCR, sections 2262.1 (a) and (b).

² Applicable during the winter months identified in 13 CCR, section 2262.5 (a).

4. The pollutant emissions addressed by these procedures and the units of measurement are shown in Table 2.

Table 2
Predictive Model Pollutants and Units of Measurement

Pollutant Emissions	Units
Oxides of nitrogen (NOx)	gm/mile
Hydrocarbons (HC)	gm/mile
Potency-weighted Toxics (PWT)	mg/mile

* * * *