

## REQUEST FOR EARLY EFFECTIVE DATE

### AMENDMENTS TO THE PHASE 3 CALIFORNIA REFORMULATED GASOLINE REGULATIONS

Pursuant to Government Code Section 11343.4(c), the Air Resources Board (ARB) requests that its most recent amendments to the Phase 3 California Reformulated Gasoline Regulations become effective upon filing with the Secretary of State. Good cause for this request exists. An early effective date would enable the regulated industries to comply with federal law and ensure that environmental impacts are mitigated.

This rulemaking consists of amendments to sections 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model"), 2266, 2266.5, 2270, 2271, and 2273, and proposed new sections 2260(a)(0.5), (0.7), (7.5), (8.5), (10.5), (10.7), (19.7), (23.5), and (23.7), 2262.3(d), 2264.2(a)(3), (b)(5), and (d), 2265(c)(4), 2265.1, 2265.5, and 2266(b)(3), (4), and (5) of Title 13, California Code of Regulations (CCR).

The amendments included an update to the Predictive Model to mitigate emissions associated with permeation from on-road motor vehicles associated with ethanol use in CaRFG3. The updated model must be used for gasoline blends produced on or after December 31, 2009. Additional changes to the Predictive Model included providing flexibility in setting the oxygen content in the Predictive Model, incorporating new data that reflect the current motor vehicle fleet, and accounting for new vehicles' response to changes in fuel properties. The Board approved the staff's proposed alternative emissions reduction plan (AERP), which could be used before December 31, 2011. Staff's proposal to provide additional flexibility beginning December 31, 2009 to the producers and importers that produce gasoline to address the expected ongoing difficulties in meeting the very low sulfur content requirements was also approved.

The approved amendments also included a requirement that all non-oxygenated blends of gasoline be certified based on a flat limit of 6.90 pounds per square inch (psi) Reid Vapor Pressure (RVP), whereas for oxygenated blends using the evaporative emissions element of the Predictive Model, a flat limit of 7.00 psi RVP is required. Also, the sulfur content cap limit in gasoline was lowered from 30 parts per million by weight (ppmw) to 20 ppmw (21 ppmw for CARBOB). The other approved amendments to the CaRFG3 regulations improved consistency, flexibility, and enforceability, including amendments to section 2262.9 and section 2266.5 that changed the maximum allowed denaturant content in denatured ethanol (consistent with the current standards of the American Society of Testing and Materials) and updated the test method for oxygenate content in gasoline.

The United States Congress recently enacted the Energy Independence and Security Act of 2007 (2007 Energy Act).<sup>1</sup> The 2007 Energy Act requires a rapid expansion of use of renewable fuels. Based on the Act, the U.S. Environmental Protection Agency now requires that fuel producers must increase their use of renewable fuels, generally ethanol, from a required average content in gasoline of 4.0% to 7.76% by volume in calendar year 2008.<sup>2</sup> Current California gasoline contains about 5.7% ethanol. In addition, ARB staff estimates that the required renewable fuel volumes in the 2007 Energy Act will necessitate a nationwide average of 9% ethanol in gasoline in 2009, and 10% in 2010.

Fuel producers now have a much greater obligation under federal law to use greater amounts of renewable fuels in the 2008 to 2009 timeframe. Thus, it is critically important that the amendments to the sections mentioned above become effective as soon as possible to enable the regulated industries to comply with federal law and to ensure that environmental impacts are mitigated.

ARB staff will promptly notify affected stakeholder representatives and organizations affected by this rulemaking via electronic mail as soon as the effective date and the amendments are filed with the Secretary of State.

Date:

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Diane Kiyota  
Staff Counsel

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1 PUBLIC LAW 110-140—DEC. 19, 2007, 121 STAT. 1493

2 United States Environmental Protection Agency, “Revised Renewable Fuel Standard for 2008, Issued Pursuant to Section 211(o) of the Clean Air Act as Amended by the Energy Independence and Security Act of 2007,” [FRL-8528-9], Federal Register, Vol. 73, No. 31, February 14, 2008.