

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDING THE TEST METHODS DESIGNATED FOR DETERMINING OLEFIN CONTENT AND DISTILLATION TEMPERATURES OF GASOLINE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amending its regulations to update the methods designated for determining the olefin content and distillation temperatures of gasoline.

DATE: November 16, 2000

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., November 16, 2000, and may continue at 8:30 a.m., November 17, 2000. This item may not be considered until November 17, 2000. Please consult the agenda for the meeting, which will be available at least 10 days before November 16, 2000, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by November 2, 2000, at (916) 322-5594, or Telecommunications Device for the Deaf (TDD) (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to section 2263(b), title 13, California Code of Regulations (CCR).

Description of the Proposed Regulatory Action

The California reformulated gasoline (CaRFG) regulations establish specifications for eight chemical and physical properties of gasoline. The Phase 2 CaRFG2 standards became applicable in March 1996. California gasoline will have to meet the recently adopted Phase 3 CaRFG standards starting December 31, 2002. Both the Phase 2 and Phase 3 CaRFG specifications include limits on olefin content and on T50 and T90 – the temperatures at which 50 percent and 90 percent of the gasoline is distilled. For each property specification, the regulations identify the method to be used in determining compliance. In most cases the methods are based on test methods

approved by the American Society of Testing and Materials (ASTM). The last two digits of an ASTM designation represent the year of adoption or last revision.

The ARB staff is proposing that the Board amend the designations of the test methods for measuring olefin content from ASTM Method D 1319-95a to ASTM D 6550-00 with three modifications: (1) identifying repeatability and reproducibility as $0.13X^{0.5}$ and $0.32X^{0.5}$ respectively when x = mass percent olefins, (2) providing that volume percent olefins equals $0.857 \times$ mass percent olefins, and (3) expanding the scope statement from 0.3 to 25 mass percent olefins. This change would become applicable January 1, 2002.

The staff is also proposing that the Board amend the method for measuring the T50 and T90 of gasoline from ASTM D 86-90 to ASTM D 86-99a ϵ 1.

The staff has arrived at these recommendations after several years of cooperative effort evaluating Phase 2 CaRFG test methods with members of the regulated community, in particular the Western States Petroleum Association's (WSPA) Working Group on Test Methods and ASTM Subcommittee D2. These methods will also be applicable to the Phase 3 CaRFG standards, and the staff will continue to work with WSPA to monitor the effectiveness of these methods as gasoline subject to the Phase 3 CaRFG standards becomes available.

Comparable Federal Regulations

The U.S. Environmental Protection Agency (U.S. EPA) administers federal RFG regulations requiring that gasoline sold in various areas of the country with poor air quality meet standards for federal reformulated gasoline. Gasoline sold in most of Southern California and in the greater Sacramento area is subject to the federal RFG standards as well as having to meet the CaRFG standards.

The ARB has worked with U.S. EPA and gasoline producers to avoid unnecessary duplication and conflicts between the federal and state enforcement agencies. As a result of this cooperative effort, the federal regulations allow producers and importers of California gasoline to use test methods specified in the ARB's regulations in lieu of the otherwise applicable federal methods. (40 CFR section 80.81(h).)

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action which includes the full text of the proposed regulatory language, a summary of the environmental and economic impacts of the proposal, if any, and supporting technical documentation. Copies of the ISOR may be obtained from the ARB's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing. To obtain the ISOR in an alternative format, please contact the Air Resources Board ADA Coordinator at

(916) 323-4916, TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area. This notice, the ISOR, and all subsequent regulatory documents are being made available on the ARB Internet site for California gasoline, <http://www.arb.ca.gov/regact/crfgtm00/crfgtm00.htm>.

The staff has also compiled a record that includes all information upon which the proposal is based. This material is available for inspection upon request to the agency contact person identified below.

The ARB has determined that it is not feasible to draft the regulation in plain English due to the technical nature of the regulation; however, a plain English summary of the regulation is available from the agency contact person named in this notice, and is also contained in the ISOR for this regulatory action.

Further inquiries regarding this matter should be directed to the agency contact person for this rulemaking, Dr. Judson S. Cohan, Staff Air Pollution Specialist, Fuel Analysis and Methods Evaluation Section, Monitoring and Laboratory Division, at (626) 575-6792.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district, whether or not reimbursable by the state, pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary costs or savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The Executive Officer has determined that the proposed regulatory action will not have a significant cost impact, as defined in Government Code section 11346.5(a)(9), on directly affected private persons or businesses.

The Executive Officer has determined that the proposed regulatory action will not have a significant adverse economic impact on businesses including the ability of California businesses to compete with businesses in other states. In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will affect small business.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, or 2020 L Street, 4th Floor, Sacramento, CA 95814, no later than 12:00 noon, November 15, 2000, or received by the Clerk of the Board at the hearing. To be considered by the ARB, e-mail submissions must be addressed to crfgtm00@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, November 15, 2000, so that ARB staff and Board members have time to fully consider each comment.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 43013, 43013.1, 43018, and 43101, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This action is proposed to implement, interpret and make specific Health and Safety Code sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018 and 43101, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The ARB may also

adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

MICHAEL P. KENNY
EXECUTIVE OFFICER

Date: September 19, 2000