

State of California  
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text  
and Supporting Documents and Information

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA  
REFORMULATED GASOLINE REGULATIONS REGARDING WINTER OXYGEN  
REQUIREMENTS IN THE LAKE TAHOE AIR BASIN AND LABELING PUMPS  
DISPENSING GASOLINE CONTAINING MTBE**

Public Hearing Date: June 24, 1999  
Public Availability Date: July 20, 1999  
Deadline for Public Comment: August 4, 1999

At a public hearing held June 24, 1999, the Air Resources Board (the Board) considered adopting amendments to the California Reformulated Gasoline Regulations. The proposed amendments would (1) rescind in the Lake Tahoe Air Basin the minimum standard for the oxygen content of gasoline in the winter, and (2) on a statewide basis, require the labeling of retail gasoline pumps dispensing gasoline containing methyl tertiary-butyl ether (MTBE), and require that persons delivering gasoline containing MTBE to retailers must provide documentation indicating the presence of MTBE in the gasoline. The proposed amendments are described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on May 7, 1999.

At the hearing, the Board adopted the amendment that eliminates the wintertime oxygen requirement in the Lake Tahoe Air Basin prior to October 1, 1999. This will mean that the Tahoe area's gasoline will no longer be subject to the requirement during October 1, 1999 - January 31, 2000 — the last wintertime period during which the oxygenate requirement was to apply there. The Board made no changes to the Tahoe amendment as it was described in the hearing notice, and is expediting submittal of the amendment to the Office of Administrative Law to make sure the amendment goes into effect well before October 1, 1999.

At the hearing, the Board also approved the proposed new regulation imposing retail labeling requirements for gasoline containing MTBE. The staff presented, and the Board approved, modifications to the regulation as it was originally proposed in the Staff Report; these modifications generally responded to comments received since the Staff Report was published.

Attachment I to this notice is a copy of Board Resolution 99-22, adopting the Tahoe amendments in section 2262.5(a), title 13, California Code of Regulations, and approving the new MTBE labeling regulation, section 2273, title 13, California Code of Regulations. Appended to the Resolution as Attachment B is a copy of the Staff's Suggested Changes to the Original Proposal, presented at the June 24, 1999, hearing. Attachment B provides the proposed text of the new section 2273, with all of the modifications proposed by staff and adopted by the Board, along with the rationale for the various modifications.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to make the modified regulatory language available to the public for a supplemental written comment period of 15 days. He is then directed either to adopt the new regulation with such additional modifications as may be appropriate in light of the comments received, or to present the regulation to the Board for further consideration if warranted in light of the comments.

The staff has also added to the rulemaking record a June 30, 1999, letter from Kinder Morgan Energy Partners, L.P. This letter is appended to this notice as Attachment II.

Written comments on the proposed modifications to the MTBE labeling regulation or the letter appended as Attachment II must be submitted to the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice and the appended letter will be considered by the Executive Officer.

This notice and attachments, along with the other rulemaking documents, are available from the ARB's Internet site for the rulemaking: <http://www.arb.ca.gov/regact/oxytahoe.99/oxytahoe.htm>.

Sincerely,

Peter D. Venturini, Chief  
Stationary Source Division

Attachments