

Variances from California Gasoline Specifications Frequently Asked Questions



This Frequently Asked Questions (FAQ) document is designed to provide information about the variance process specified by [California's Reformulated Gasoline Regulations](#) (Title 13, California Code of Regulations, Section 2271), and notes that [Senate Bill \(SB\) 237](#) (Grayson, Statutes of 2025) added a new statutory process for the Governor to potentially suspend gasoline Reid Vapor Pressure (RVP) regulatory control periods if certain conditions are met.

Unlike statutes and regulations, this FAQ compilation does not have the force of law. It is not intended to and does not establish new legal requirements, nor does it supplant, replace, or amend any legal requirements. Conversely, any omission or truncation of regulatory requirements discussed here does not relieve entities of their legal obligation to fully comply with all applicable requirements.

1. What is a variance to California's Reformulated Gasoline Regulations?

A variance is a temporary exemption granted by the CARB Executive Officer, allowing deviation from certain fuel specification regulations when compliance is not possible due to circumstances beyond the applicant's control. A variance is granted only to the individual company seeking relief from a regulation due to a specific hardship it is experiencing. Variances are granted to the applying entity and are not generally broad or applicable to all regulated entities.

Any entity who cannot comply with the standards or compliance requirements set forth in the following sections, due to reasons beyond the entity's reasonable control, may apply to the Executive Officer for a variance:

- 2262 - The California Reformulated Specification Limits.
- 2262.3 - Compliance with the Standards for Sulfur, Benzene, Aromatic Hydrocarbons, Olefins, T50 and T90.
- 2262.4 - Compliance with the Standards for Reid Vapor Pressure.
- 2262.5 - Compliance with the Standards for Oxygen Content.
- 2262.6 - Prohibition of MTBE and Oxygenates Other than Ethanol in California Gasoline Starting December 31, 2003.
- 2265.1 - Offsetting Emissions Associated with Higher Sulfur Levels.

2. Has a variance been granted previously?

CARB issued an emergency [gasoline variance](#) on July 15, 1999, to Chevron Products Company, allowing the sale of gasoline that did not meet the State's clean air requirements in Northern California and the Central Valley for up to 45 days. The variance was issued following an explosion at Chevron's Richmond refinery on July 9, that reduced production and delivery capacity.

3. What information must the variance application include?

The variance application must include:

- The applicable section(s) from which the variance is sought,
- The specific grounds upon which the variance is sought,
- The proposed date(s) by which compliance with the provisions of the applicable section(s) will be achieved, and
- A compliance plan detailing the method by which compliance will be achieved. The proposed compliance plan shall include increments of progress (i.e., specific events and dates) that describe periodic, measurable steps toward compliance during the proposed term of the variance.

4. What is the process for receiving variance approval?

Upon receipt of an application for a variance containing the above information, the executive officer shall hold a hearing to determine whether, or under what conditions and to what extent, a variance from the requirements of the applicable section(s) is necessary and will be permitted. Notice regarding the time and place of the hearing shall be submitted for publication in the California Regulatory Notice Register and sent to the applicant as well as every person who requests such notice, not less than 20 days prior to the hearing.

The variance application shall be accompanied by a fee of \$6,700.00 to cover the costs of processing the variance. If the applicant withdraws the application before the variance hearing is held, \$4,100.00 of the fee shall be refunded.

To submit a variance application, or for additional information related to the variance process, please contact staff at fuels@arb.ca.gov.

5. What fees are imposed on an applicant for selling gasoline under a variance, and how are they paid?

A fee of \$0.15 shall be levied on the applicant for each gallon of gasoline sold or released for sale under a variance during the term of the variance. The fee shall be paid by the applicant periodically, in advance of the sale or release of variance gasoline in each period. The executive director shall specify the payment schedule in the variance order.

6. How long does a variance last?

A variance shall be granted only for the minimum period necessary for the applicant to attain compliance with the applicable regulations. Except for a variance related to a physical catastrophe, no variance shall have a duration of more than 120 days; however, a variance may be extended for up to 90 additional days if the applicant demonstrates that the original justification for granting the variance continues to exist.

7. What is an emergency variance?

The executive officer, after holding a hearing, may issue an emergency variance to a person from the requirements of the applicable section(s) upon a showing of reasonably unforeseeable extraordinary hardship and good cause that a variance is necessary.

Applicants for an emergency variance shall pay a fee of \$2,500.00.

No emergency variance may have a duration of more than 45 days. If the applicant for an emergency variance does not demonstrate that he or she can comply with the provisions of the applicable section(s) within such 45-day period, an emergency variance shall not be granted unless the applicant makes a prima facie demonstration that the required findings, outlined in Title 13, California Code of Regulations, sections 2271(d) are met.

8. When does a variance cease to be effective? Can a variance be modified or revoked?

A variance shall cease to be effective, if the party that received the variance fails to substantially comply with any condition of the variance.

Upon the application of any entity, the CARB Executive Officer may review and for good cause modify or revoke a variance from the requirements of the applicable section(s) after holding a hearing as outlined in question 2. Please refer to Title 13, California Code of Regulations, sections 2271(b)-(c) for more in-depth information on the notices, public hearings, and public participation, during the variance process.

9. What if any other process exists for the potential suspension of California fuel regulations?

Health and Safety Code section [43830.5](#), added by [Senate Bill 237](#) (Grayson, Chapter 118, Statutes of 2025), authorizes the Governor, in consultation with CARB and the California Energy Commission, to suspend gasoline Reid Vapor Pressure (RVP) regulatory control periods under Title 13, California Code of Regulations section 2262.4 if retail gasoline prices increase or are projected to increase substantially within a 30-day period. The suspension must be determined necessary to protect consumers from extraordinary gasoline price increases, and the Governor must consider potential air quality impacts and available mitigation options.