

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER R-08-011**

Relating to the Rulemaking for Proposed 2007 Amendments to the  
California Phase 3 Reformulated Gasoline Regulations

WHEREAS, on June 14, 2007, the Air Resources Board (the Board or ARB) conducted a public hearing to consider proposed 2007 amendments to the California phase 3 reformulated gasoline regulations, as set forth in the Initial Statement of Reasons and Staff Report released to the public on April 27, 2007;

WHEREAS, following the public hearing on June 14, 2007, the Board adopted Resolution 07-21 in which the Board approved amendments to title 13, California Code of Regulations (CCR), chapter 5, article 1, subarticle 2 "Standards for Gasoline Sold Beginning March 1, 1996," sections 2260, 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, and 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 the adoption of sections 2260(a)(0.5), (6.9), (0.7), (7.5), (8.5), (10.5), (10.7), (19.7), (19.8), (23.5), (23.7), (37), (38), and (39), 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), CCR, as set forth in Attachment A thereto, with the modifications to those sections as set forth in Attachment B thereto;

WHEREAS, on March 7, 2008, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, five written comments were received during the first 15-day period and those comments, as well as the comments received during the initial 45-day comment period, have been considered by the Executive Officer;

WHEREAS, the Executive Officer adopted the California phase 3 reformulated gasoline regulation amendments by Executive Order R-08-003, dated April 25, 2008, and submitted them to the Office of Administrative Law for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on June 9, 2008, the Office of Administrative Law disapproved the Board's proposed amendments failure to make changes to the regulations available to the public, failure to include a response to all public comments, and failure to include all required documents in the rulemaking file;

WHEREAS, modifications to the approved regulations were made in order to correct the deficiencies specified in the Decision of Disapproval by the Office of Administrative Law;

WHEREAS, the modifications were made available for a second 15-day comment period starting June 26, 2008, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated; and

WHEREAS, two comments were received during the second 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 07-21 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Resolution 07-21, that the following regulations are amended as set forth in Attachment 1 hereto: title 13, CCR, chapter 5, article 1, subarticle 2 "Standards for Gasoline Sold Beginning March 1, 1996," sections 2260, 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, and 2265, (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model" and "Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending"), 2266, 2266.5, 2270, 2271, and 2273, and the adoption of sections 2260(a)(0.5), (6.9), (0.7), (7.5), (8.5), (10.5), (10.7), (19.7), (19.8), (23.5), (23.7), (37), (38), and (39), 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), CCR

Executed this 7<sup>th</sup> day of August, 2008, at Sacramento, California.

/S/

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James N. Goldstene  
Executive Officer

Attachment