

State of California
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text
and Availability of Additional Document**

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE
TABLES OF MAXIMUM INCREMENTAL REACTIVITY VALUES

Public Hearing Date: November 3, 2009
First Public Availability Dates: February 23, 2010 - March 10, 2010
Second Public Availability Date: April 26, 2010
Deadline for Public Comment: May 11, 2010

At a public hearing on November 3, 2009, a delegate of the Air Resources Board's Executive Officer considered amendments to the California Code of Regulations, title 17, sections 94700 and 94701, which consist of Tables of Maximum Incremental Reactivity (MIR) values for volatile organic compounds (VOC) and mixtures of VOC. (Section 94700 was last amended in 2004.) At the hearing, the staff stated that they would propose modifications to the regulations originally proposed in the Staff Report released on September 18, 2009.

The attachment to this notice consists of revised regulations, showing the proposed second "15-day" modifications to the originally proposed regulatory language. Because the originally proposed regulatory amendments used underline to indicate additions to the regulation (and contained no deletions), the proposed modifications that were made available by the first "15-day" notice on February 24, 2010 were shown in **bold double underline** to indicate additions to the original proposal and ~~double-strikeout~~ to indicate deletions. The additional proposed modifications being made available by this second "15-day" notice are shown in single underline italics to indicate additions and ~~single strikeout italics~~ to indicate deletions. The proposed order and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/mir2009/mir2009.htm>

Summary of Proposed Modifications

Staff was informed of duplicate entries in the MIR tables for four hydrofluoroethers (HFEs). Staff was also informed that the MIR values provided for the four nonafluoroethers (listed in the tables as compounds #1094, 1095, 1111, 1112) were based on estimation methods that appeared to work very poorly for these HFEs, and that the MIR values provided for the four perfluoro-ethers (listed as compounds #1096, 1097, 1109, 1110) were based on experimentally measured values. In consideration of this new information, staff proposes two modifications to the MIR tables in Attachment A.

1) Staff proposes to delete the four nonafluoro-ethers, as follows.

<u>#</u>	<u>Description</u>
1094	methyl-nonafluoro-butyl ether; HFE-7100 isomer
1095	methyl-nonafluoro-isobutyl ether; HFE-7100 isomer
1111	ethyl nonafluorobutyl ether; HFE-7200 isomer
1112	ethyl nonafluoroisobutyl ether; HFE-7200 isomer

2) Staff proposes to add the nonafluoro-ether and HFE synonyms to the descriptions of the four perfluoro-ethers, as follows, and re-number the table accordingly.

<u>#</u>	<u>Description</u>
1096	methoxy-perfluoro-n-butane; <u><i>methyl-nonafluoro-butyl ether; HFE-7100 isomer</i></u>
1097	methoxy-perfluoro-isobutene; <u><i>methyl-nonafluoro-isobutyl ether; HFE-7100 isomer</i></u>
1109	ethoxy-perfluoro-n-butane; <u><i>ethyl nonafluorobutyl ether; HFE-7200 isomer</i></u>
1110	ethoxy-perfluoro-isobutane; <u><i>ethyl nonafluoroisobutyl ether; HFE-7200 isomer</i></u>

Supporting Document and Information

In accordance with Government Code section 11347.1, staff has added the following document to the rulemaking record in support of the proposed action: "SAPRC Atmospheric Chemical Mechanisms and VOC Reactivity Scales," by W.P.L. Carter, as revised April 20, 2010, and posted at <http://www.cert.ucr.edu/~carter/SAPRC>. The following entry in this document supports the proposed modifications as described in this notice:

4/20/10: Duplicate entries of several perfluoro ethers, with incorrect MIR and other reactivity values, have been deleted from the reactivity tabulations in Table B-1 in saprc07.xls and in scales07.xls. The deleted entries, with incorrect reactivity values, were for "methyl-nonafluoro-butyl ether", "methyl-nonafluoro-isobutyl ether", "ethyl nonafluorobutyl ether", and "ethyl nonafluoroisobutyl ether". These are the same compounds as methoxy-perfluoro-n-butane, methoxy-perfluoro-isobutane, ethoxy-perfluoro-n-butane, and ethoxy-perfluoro-isobutane, which are also on the reactivity list but with the correct reactivity values.

Comments and Subsequent Action

In accordance with the Government Code section 11346.8, and as directed by the Board, the Executive Officer shall adopt the amendments to the California Code of Regulations, title 17, sections 94700 and 94701, after making them available to the public for comment for a period of at least fifteen days. The Executive Officer shall consider such written comments as may be submitted during this period, and shall make such modifications as may be appropriate in light of the comments received.

Written comments will only be accepted on the proposed modifications and the additional document being added to the record, and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the Air Resources Board (ARB) in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si usted necesita este documento en un formato alternativo (es decir, sistema Braille, letra grande, etc.) u otro idioma, por favor llame a la oficina del Consejo a (916) 322-5594 o envíe un fax a (916) 322-3928 no menos de cinco días después de la fecha de comunicado de este aviso. TTY/TDD/Personas que necesitan este servicio pueden marcar el 711 para la Servicio de Retransmisión de Mensajes de California.

Attachment

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.