

State of California  
AIR RESOURCES BOARD

**Third Notice of Public Availability of Additional Documents and Information**

2011 AMENDMENTS TO THE CALIFORNIA REFORMULATED  
GASOLINE REGULATIONS

Public Hearing Date: October 21, 2011  
First Public Availability Dates: May 15, 2012 – May 30, 2012  
Second Public Availability Dates: June 14 – June 29, 2012  
Third Public Availability Release Date: July 17, 2012  
Deadline for Third Public Comment Period: August 1, 2012

At its October 21, 2011, public hearing, the Air Resources Board (ARB or Board) approved the repeal of title 13, California Code of Regulations section 2258; and approved proposed amendments with modifications to sections 2260, 2261, 2264, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model" as last amended August 7, 2008), 2265.1, 2266, 2266.5, and 2271 of title 13, California Code of Regulations. The amendments relate to the California reformulated gasoline (CaRFG) regulations, and would: (1) help preserve the benefits of the Phase 2 CaRFG standards and correct errors of coefficients in the Predictive Model, and (2) include other miscellaneous changes to improve consistency, flexibility, and enforceability.

At the hearing, the staff presented, and the Board approved, modifications to the regulatory amendments originally proposed in the Staff Report released on August 31, 2011, in response to comments received since the Staff Report was published. These modifications included restrictions on blending California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB) with other materials.

Board Resolution 11-36 (Resolution) approved staff's proposed modifications. Appended to the Resolution were the initially noticed regulatory text (as Attachment A) and the staff's suggested modifications to that text, for which the staff had not yet developed specific regulatory language (as Attachment B), both of which were made available at the hearing. The Resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:  
<http://www.arb.ca.gov/regact/2011/carfg11/carfg11.htm>.

As a result of Board direction on October 21, 2011, the First Notice of Public Availability of Modified Text (1<sup>st</sup> 15-Day Change Notice) was issued on May 15, 2012. Based on comments received on the 1<sup>st</sup> 15-day proposed changes, an additional modification to the regulatory text was proposed in the Second Notice of Public Availability of Modified Text (2<sup>nd</sup> 15-Day Change Notice).

This Third Notice of Public Availability of Additional Documents and Information (3<sup>rd</sup> 15-Day Notice) places an additional document into the regulatory record. This 3<sup>rd</sup> 15-Day Notice provides the public with one document issued by the ARB in support of the proposed modifications from the 2<sup>nd</sup> 15-Day Change Notice. This document is a compilation of ARB's laboratory data for total oxygenates in CARBOB samples collected at downstream storage tanks located at bulk terminals for calendar year 2011. Only CARBOB samples collected at downstream storage tanks located at bulk terminals are included because that is where ARB would expect to see mixtures of vapor recovery condensate with CARBOB. Of the entire dataset, there were ten instances where 0.1 percent by weight total oxygenates were reported. Most of the data reflected 0.0 percent by weight, and none of the samples exceeded 0.1 percent by weight total oxygenates. These data support the proposed modifications from the 2<sup>nd</sup> 15-Day Change Notice. This document will enable the public to understand ARB staff's proposal to allow for mixing of CARBOB with vapor recovery condensate, provided the resulting mixture of CARBOB has an oxygen content not exceeding 0.1 percent by weight.

Staff has reviewed the document related to the proposed modifications from the 2<sup>nd</sup> 15-Day Change Notice and found it to support the proposed modification.

#### **Additional Document Added to the Record**

In accordance with Government Code section 11347.1, staff has added to the rulemaking record and invites comments on one document supporting the proposed modifications from the 2<sup>nd</sup> 15-Day Change Notice:

California Air Resources Board Fuel Analysis Log, calendar year 2011 for CARBOB samples collected at downstream storage tanks located at bulk terminals.

The additional document for this rulemaking action is available online at the ARB website referenced here:

<http://www.arb.ca.gov/regact/2011/carfg11/carfg11.htm>.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to repeal section 2258 and adopt amendments to sections 2260, 2261, 2264, 2265 (and the incorporated "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model"), 2265.1, 2266, 2266.5, and 2271 of title 13, California Code of Regulations, after making the modified regulatory language available to the public for a supplemental written comment period of 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications to the regulation as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if determined that this is warranted.

Written comments will only be accepted on the document identified in this notice 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.

In order to be considered by the Executive Officer, comments must be directed to 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 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 necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment