

List of Comments CARB has Received Regarding
Suggestions for Proposed Amendments to the Gasoline and Diesel Fuel Regulations
and the Guidance Documents for the Predictive Model and the CARBOB Model.
(This list is prepared for the November 3, 2005 Fuels Workshop.)

Gasoline Regulation Suggestions and Comments

1. Remove the winter-time oxygen requirement in the South Coast area because the area is “in attainment” for CO.
2. Allow oxygenate blenders to blend to a range instead of requiring them to blend at exactly 5.7v%. (Also know as the “Flat Spot” issue.)
3. Update the definition for MTBE in Section 2260(a)(26.5). Since “ neat MTBE” is prohibited, should probably clean up this definition. This will probably also have implications for section 2262.6(C)(1).
4. Regarding Updating the ASTM Reference in the Regulations:
 - Comment #1: Update the reference to D4806 (the specification for motor ethanol) to the 04a version.
 - Comment #2: Ethanol Specification: – the latest version of the ASTM specification lowered the allowable sulfur to 30 ppm. Would it be appropriate to remove the sulfur specification of 10 ppm in the CARB gasoline regulation?
 - Comment #3: Sampling procedures and test methods: – 1) update the test methods to the latest ASTM versions; 2) RVP should now reference ASTM D5191 with the CARB equation and remove the reference to 13 CCR section 2297; and 3) use the published ASTM reproducibility’s.
 - Comment #4: Section 2263(b), 2273(b) and (d): change all 6 references to "ASTM D4815-99" from the 1999 version to the 2004 version, as in "ASTM D4815-04." No other changes to the text are necessary.
5. Regarding Reporting Requirements:
 - Comment #1: Allow a “gratis” period for producers to correct any reporting errors pertaining to administrative requirements that do not result in any emission impact.
 - Comment #2: Rule section 2265(b)(1)(C) in particular, but all of 2265 in general. We have seen several instances where a simple typo or a change in lab data after the fact has caused generation of a full set of inquiry, documentation, violation and penalties where no actual impact on air quality has occurred. We would support a provision that allows correction of reports from such causes as typos or changing lab data to proceed simply as improvements in the accuracy of recordkeeping and be exempted from the NOV and penalty process.
 - Comment #3: Rule Section 2265 (a)(1) - the last line of this section has resulted in unnecessary cost and delay as well as penalties for actions that had nothing to do with clean air. Because we blend and deliver fuels 24 hours a day, the current wording of

Section 2265(a)(1) requires PMs to be generated and transmitted to CARB at all hours of a 24 hour day - meaning that shift workers have to accomplish this important task and that we must make extraordinary efforts to make sure communications between shift personnel are accurate 24/7. In most cases, we have managed to operate this way, but we would like to be able to operate the business to move product on the off shifts and leave the important analytical work to our daytime office staff for at least 2 important reasons: there are more folks on duty during the day and we also have tech support more available during daylight hours than at other times. We note that CARB staff does not appear to review and approve submissions 24/7, in fact most questions we get are on the order of days or even weeks later. Leaving this work for daytime staff has the added benefit for us of reducing errors due to improved local communication and generally increasing accuracy. We suggest changing the ruling as indicated below.

“The notification shall be received by the executive officer before the start of physical transfer of the gasoline from the production or import facility, and in no case less than 12 hours before the producer or importer either completes physical transfer or commingles the final blend.”

In normal transactions, this translates to notification within about 48 hours of blending. We would like to be able to release before PM notification is made to CARB so we can release at night but communicate to CARB on daylight. Product would still be available for sampling if CARB wants to sample - which is the intent - although they have never come in with a specific batch in mind. Frankly, another day or so would be more helpful - but we are trying to stay within the intent of the original rule. If CARB is really interested in moving the system forward in a step function manner, we need to talk about allowing online blending. This is the process we use in most of our other refineries in the US (and elsewhere).

Production impact - it would allow off shift blenders to concentrate on moving the product through the system accurately instead of attending the needs of paperwork and recordkeeping - the better and faster the system flows, the more product gets to the customer faster.

6. Regarding Marine Vessel Protocols:

Comment #1: Remove the restriction that “either the marine vessel or the shore tank be used as the import facility”. Thus allowing the use of both the vessel compartments and the shore tank as the import facility for a single import.

Comment #2: The Vessel Protocol is too stringent. To require that all the vessel tanks individually meet full CARB specs is a hurdle too high. In the event that a vessel arrives with say 1 or 2 vessel tanks off-spec, there should be a provision within the Vessel Protocol which allows testing of the off-spec tanks as part of a blend with other vessel tanks. Then, if that blend tests on-spec, the California importer would be permitted to discharge from the vessel provided they did so in the same proportions as the on-spec lab blend and arrange for the vessel to discharge those amounts to a single shore tank.

Comment #3: Currently, the requirement to sample and test each cargo hold for all CARB properties is time consuming and onerous. This can lead to significant ship demurrage costs. A suggestion would be if the shipper can demonstrate that the entire ship cargo will be off-loaded into a single shore tank then a volumetric composite sample of the vessel cargo holds should be permitted for assurance of compliance.

7. In winter blending, CARB does not explicitly regulate RVP. By using the CARBOB model for winter certification, does the RVP minimum become a specification that CARB will enforce?
8. Regarding CARB gasoline regulations Section 2262.4, RVP specifications, we propose that the effective dates for the RVP specs be changed such that they apply to the refinery gate instead of to the retail site. There has always been debate regarding the length of the terminal conversion period.
9. Fuel that is returned from a service station, for various reasons, must currently be disposed of hazardous waste. What are options to avoid this?
10. CARBOB Model vs. Hand blends: Enforcement should be based on the method of certification chosen by the refiner. If the refiner chooses the CARBOB model for the basis of compliance then CARB Enforcement should do likewise. If the refiner basis compliance on hand blends then CARB should do likewise. Section 2266.5 should be modified to reflect this.
11. Where appropriate, adopt regulations that pertain specifically to the importers of gasoline.
12. Prohibit the addition of ethanol to finished gasoline (which is gasoline that has already been properly oxygenated at the terminal).
13. Establish a reporting format (template) for those parts of the regulations that currently require the producer or importer to keep records. One example is the deposit control additives record keeping requirement.
14. Change the word "may" to "must" in Section 2264(a)(1) to require that a producer or importer that is using the Designated Alternative Limits compliance option to report a DAL value for every batch of gasoline.
15. Section 2266.5(a)(2)(B) refers to an older version of the CARBOB Guidance Document. Amend the regulation using the date of the current version of the guidance document.
16. Expand the table in the regulations to include test method reproducibility's (enforcement tolerances). Don't require the user to look up each ASTM method. The Enforcement Division has created such a table and has distributed it to us at meetings. Why not include this in the regulations.
17. Establish a penalty schedule for non-emission violations (like reporting violations).
18. When an importer's test results differs from CARB's test results to the point where there will be a fine levied against the importer, there should be a 3rd, "referee" lab which tests the product. The results of the "referee" lab should then apply.

The following comments and suggestions do not involve regulatory changes:

19. Provide an overview of the regulations in layman terms.
20. Provide a summary section at the beginning of the regulations that contains all the product specifications with the effective date or schedule of dates, all the required/allowed test method(s) for each property with the applicable version number, the version of the Predictive

Model and CARBOB model that is in effect, and the website address where the currently effective version of the regulations may be found.

21. Develop an on-line Q & A reference file where one may find responses to non-company specific questions or rule interpretations.

The following gasoline items were previously published for the August 2, 2005 workshop.

22. Incorporate common gasoline and CARBOB enforcement protocols into the regulation.
23. The ASTM test method states that distillation temperatures should be specified to the 0.1oF. Amend the regulation to be consistent.
24. Correct a typographical error: In Section 2261(b)(3)(B)3., the reference to Section 2261(b)(3)(A) is missing a right-parenthesis. Add a right-parenthesis to the reference.
25. Correct the equation and text in Section 2262.9(a)(3)(B).

The following comments and suggestions that were previously published do not involve regulatory changes:

26. Establish a permanent website address that takes one directly to the latest version of the regulations.
27. Establish a depository where one can retrieve standard forms for the fuels regulations.
28. Add hyperlinks to the electronic version of the gasoline and diesel fuel regulations for quicker reference.
29. Table of Contents: Remove the listing for Drivability Index.

Diesel Fuel Items and Comments

30. Make sure that the volume percent for aromatics are expressed with the correct number of significant figures; as in 10.0v% and 20.0v% aromatics.
31. Make diesel fuel DAL more consistent with gasoline DAL. Need an aromatics averaging limit and a cap limit.
32. The current diesel fuel aromatic hydrocarbon content regulation requires the producer or importer to test every batch of diesel fuel that is produced or imported. Amend the regulation by eliminating the legal requirement to test (unless the producer or importer has chosen to use an averaging compliance option).
33. Incorporate common diesel fuel enforcement protocols into the regulation.
34. Reference the latest ASTM test methods. For example: Update the references from ASTM D975-81 to ASTM D975-04

35. In Section 2282(g)(5)(C) change the percent values for tolerance level from 1 percent to 1.0 percent, from 2 percent to 2.0 percent, and from 6 percent to 6.0 percent.
36. In Sections 2282 amend CARB references to Distillation Temperatures to be expressed in the correct number of significant figures as the test method.
37. Nitrogen Limit of 500 ppm – reasoning. On page 13 of the diesel regulations., section d(8), it would be nice to clarify the setting of nitrogen limit for designated equivalent limits at 500ppm. (It's the only spec that was increased from the industry average where all other specifications were determined from the industry average).
38. Add a prohibition that no one may add anything to diesel fuel that it, by its self, does not meet
39. CARB diesel fuel specifications. Also, that the person who is adding the material to diesel fuel, must demonstrate that the additional material complied with CARB specifications.
40. Where appropriate, adopt regulations that pertain specifically to the importers of diesel fuel.

The following diesel fuel items were previously published for the August 2, 2005 workshop.

41. Amend Section 2282(g)(7) and 2282(h)(2) so that the timing of the notification is consistent with the notifications required in the gasoline regulations and other diesel fuel regulations; which is “notify before the start of transfer” (not 12 hours before the start).
42. Amend the regulation to permit diesel which is produced in the California to be transported to an out-of-state terminal, then brought back into California without it being treated as imported diesel fuel. The amendment should be consistent with the gasoline regulation in Section 2260(a)(6)(B).
43. Regarding Typographical Errors and Glitches:
 1. The table in Section 2282(h)(1): change the test method for sulfur from "D2262-94" to "D2622-94".
 2. In Section 2282(i)(9), Line 6: change from "(i)(6)" to "(i)(5)".
 3. In Section 2281(e)(9), Line 6: change from “(e)(6)” to “(e)(5)”
 4. In Section 2284(a)(1): insert a period at end of heading.
 5. In Section 2284&5: add 43013 and 43830.8 to references.
 6. In Section 2281(f): Change the existing 2281(g) to 2281(f) because of a misnumbering of the subsections.
 7. In Section 2282(e)(1) there is a reference to subsection (a)(4) which does not exist. Remove the sentence containing the reference to subsection (a)(4) which starts on line 12 and ends on line 18:

The foregoing notwithstanding, in the case of any small refiner that pursuant to subsection (a)(4) has not been subject to subsection (a)(1) until October 1, 1994, all vehicular diesel

fuel produced by the small refiner at the small refiner's California refinery and supplied from the refinery from October 1, 1994 through December 31, 1994, shall be exempt from the provisions of subsection (a)(1)(A), (B) and (C), up to the quarterly volume limits imposed by the executive officer in connection with issuance of suspension orders pursuant to section 2281(g).

This sentence (that contains a reference to subsection (a)(4)) solely pertains to a partial exemption that was only applicable in 1994. CARB deleted subsection (a)(4) at some later point without remembering to delete this sentence.

8. In Section 2282(e)(5)(B)2 there is a reference to Section (f)(5)(A) which does not exist. The correct reference should be to section (e)(5)(A).

9. In Section 2282(e)(5)(B)5, there is a reference to section (f)(5)(B)1 through (f)(5)(B)4 which do not exist. The correct reference should be to sections (e)(5)(B)1 through (e)(5)(B)4. Perhaps there was another subsection at some point that we forgot we took out.

10. In Section 2282(g)(1), the second and third paragraphs refer to subsection (g)(4)©(ii) which does not exist. The correct reference should be (g)(4)©2. OAL must have had us change our original numbering convention from ii to 2 and we missed this reference.

Suggestions for regulation amendments are welcome:

Objective of the suggestion should be:

- Increase flexibility for the regulated parties
- Increase enforceability for CARB
- While remaining emissions neutral and at no increase in cost.

Format of the suggestion should be:

- Section Number of the Regulation.
- Quote the pertinent portion of the current regulation you wish to change.
- Brief description of the change you want.
- Reason for the change.
- Proposed text of the revised regulation.

We also welcome comments on specific parts, aspects, or concepts of the current CARB fuels regulations that work well that you wish not to change.

Send comments to:

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