

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FUEL SPECIFICATIONS FOR M100 FUEL METHANOL

The Air Resources Board ("ARB") will conduct a public hearing at the time and place noted below to consider an amendment to the luminosity requirement in the specifications for M100 fuel methanol intended for use in motor vehicles in California.

Date: December 8, 1994
Time: 9:30 a.m.
Place: Air Resources Board
2020 L Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m. on December 8, 1994 and may continue at 8:30 a.m. on December 9, 1994. This item may not be considered until December 9, 1994. Please consult the agenda for the meeting, which will be available at least 10 days before December 8, 1994, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to Title 13, California Code of Regulations ("CCR"), Section 2292.1, entitled "Fuel Specifications for M100 Fuel Methanol."

Section 2292.1, adopted by the Board following a March 12, 1992 Board hearing, sets forth specifications for M100 fuel methanol intended for use in motor vehicles in California. One of the specifications is a requirement that the fuel "shall produce a luminous flame, which is visible under maximum daylight conditions, throughout the entire burn duration." This requirement was added because M100 fuel (a nominal 100 percent methanol fuel) burns without a readily visible flame under daylight conditions. As a result there is a safety hazard because a fire may not be immediately noticed. For this reason, ARB regulations prohibit a fuel supplier from selling M100 fuel as a motor vehicle fuel if it does not meet the luminosity requirement. Since there was no flame luminosity additive available at the time of the original rulemaking, the Board instructed staff to investigate potential additives and established a delayed implementation date of January 1, 1995 for the luminosity requirement.

Since the original rulemaking, industry representatives as well as ARB staff have initiated several test programs to find a suitable M100 luminosity additive. However, to date, no additive has been identified which satisfies the luminosity requirements of M100 without sacrificing emissions performance. Because of the inherent safety issues involved with a fuel that has no readily visible flame, staff cannot recommend that the luminosity requirement be

removed from the M100 fuel specification. However, staff is proposing additional flexibility in the requirement which would continue to address safety considerations. Specifically, staff is proposing that fuel suppliers would be allowed to sell M100 fuel which does not have a luminosity additive if they can demonstrate the fuel will be used only in vehicles equipped with either a system for automatically detecting and suppressing on-board fires or a system for on-board luminosity enhancement. In this way, safety concerns can be adequately addressed while still allowing vehicles to operate on a fuel with inherently low emissions.

ARB regulations also establish test procedures which are used in certifying motor vehicles that meet the Board's motor vehicle emission standards. These test procedures contain specifications that apply to M100 fuel used in certification testing. The test procedures provide that this fuel must meet the ARB's specifications for commercial M100 intended for use in California motor vehicles. Adoption of the proposed amendment would mean that either the certification fuel used in testing an M100-powered engine would have to contain a luminosity additive, or use of the engine would be limited to vehicles equipped with a system for fire suppression or on-board luminosity enhancement.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 2020 L Street, Sacramento, California 95812, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below. The ARB has determined that it is not feasible to draft the regulation in plain English due to the technical nature of the regulation; however, a plain English summary of the regulation is available from the agency contact person named in this notice.

Further inquiries regarding this matter should be directed to Ms. Annette Guerrero, Air Pollution Specialist, Alternate Fuels Section, Mobile Source Division, at (818) 575-6717.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulatory action are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or

not reimbursable by the state pursuant to Part 7 (commencing with section 17501, Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In preparing the regulatory proposal, the staff has considered the potential economic impacts on California business enterprises and individuals. There are currently only about 380 motor vehicles operating on M100 in California. Almost all are transit or school buses equipped with automatic fire-suppression systems. The only M100 vehicles in California that are not equipped are four heavy-duty trucks which are part of a demonstration project conducted in conjunction with the California Energy Commission; these vehicles are expected to ultimately qualify for an exemption available to vehicles used in test programs. The proposed amendments enable M100 to continue to be sold and used as a motor vehicle fuel in California, and will not result in any current owners of M100-fueled vehicles having to incur any costs to satisfy the proposed requirement.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on large or small businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has determined that there will be no, or insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from the proposed action.

In accordance with Government Code section 11346.54, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Executive Officer is aware of no small businesses in California that currently sell M100 fuel as a motor vehicle fuel or operate M100-fueled motor vehicles. However, it is possible that some small businesses may engage in such actions in the future. Accordingly, the Executive Officer has determined that the amendments will affect small businesses.

Before taking action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board

Secretary, Air Resources Board, Post Office Box 2815, Sacramento, California 95812, no later than 12:00 noon, December 7, 1994, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

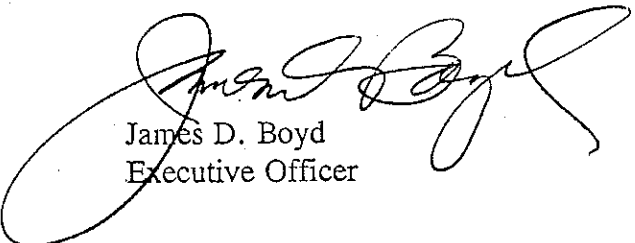
STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



James D. Boyd
Executive Officer

Date: October 11, 1994