

**BARCLAYS OFFICIAL CALIFORNIA CODE OF  
REGULATIONS  
TITLE 13. MOTOR VEHICLES  
DIVISION 3. AIR RESOURCES BOARD  
CHAPTER 5. STANDARDS FOR MOTOR VE-  
HICLE FUELS  
ARTICLE 1. STANDARDS FOR GASOLINE  
SUBARTICLE 1. GASOLINE STANDARDS THAT  
BECAME APPLICABLE BEFORE 1996**

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s 2259. Exemptions for Motor Vehicle Fuels Used in Test  
Programs.

(a)(1) Any person may request an exemption for fuel used  
in a test program by submitting an application to the ex-  
ecutive officer that includes all the information listed in  
paragraphs (c), (d), (e), and (f) of this section.

(2) For the purpose of this section, "fuel requirement"  
means any requirement for a motor vehicle fuel established  
in Chapter 5 (Standards for Motor Vehicle Fuels) of Divi-  
sion 3, Title 13, California Code of Regulations.

(3) For the purpose of this section, "exemption" means an  
exemption from one or more fuel requirements that is  
granted by the executive officer for the purpose of re-  
search, motor vehicle or engine emissions certification,  
fuel certification or registration, or fuel additive certifica-  
tion or registration.

(4) For the purpose of this section, "test track" means a  
roadway that is closed to the general public, is used to test  
motor vehicles or motor vehicle fuels, and is not used to  
transport persons or property.

(b)(1) In order for an exemption to be granted, the appli-  
cant must demonstrate the following:

(A) The proposed test program has a purpose that consti-  
tutes an appropriate basis for exemption;

(B) The proposed test program necessitates the granting of  
an exemption;

(C) The proposed test program exhibits reasonableness in

scope; and

(D) The proposed test program exhibits a degree of control  
consistent with the purpose of the program and the state  
board's monitoring requirements.

(2) Paragraphs (c), (d), (e), and (f) of this section describe  
what constitutes a sufficient demonstration for each of the  
four elements in paragraphs (b)(1)(A) through (D) of this  
section.

(3) Within 20 days of receipt of an application for an  
exemption, the executive officer shall advise the applicant  
in writing either that the application is complete or that  
specified additional information is required to make it  
complete. Within 15 days of submittal of additional in-  
formation, the executive officer shall advise the applicant  
in writing either that the information submitted makes the  
application complete or that specified additional informa-  
tion is still required to make it complete. Within 20 days  
after the application is deemed complete, the executive  
officer shall grant or deny the application. Any denial shall  
be accompanied by a written statement of the reasons for  
denial.

(c) An appropriate purpose is limited to research, motor  
vehicle or engine emissions certification, fuel certification  
or registration, or fuel additive certification or registration.  
The exemption application must include a concise state-  
ment of the purpose(s) of the proposed test program.

(d) With respect to the necessity for an exemption, the  
applicant must identify each specific fuel requirement that  
would be violated by the test program, and demonstrate an  
inability to achieve the stated purpose in a practical manner  
without violating the identified fuel requirement(s). If any  
site of the proposed test program is located in an area that is  
classified as a nonattainment area for purposes of a state or  
federal ambient air quality standard, and the fuel require-  
ment that would be violated is designed to reduce emis-  
sions of the pollutant, or a precursor of the pollutant, for  
which the area is classified as a nonattainment area, the  
applicant must also demonstrate a practical inability to  
perform the test program in an area that is in attainment  
with respect to that pollutant.

(e) With respect to reasonableness, a test program must

exhibit a duration of reasonable length, affect a reasonable number of vehicles or engines, and utilize a reasonable amount of noncomplying fuel. In this regard, the application for exemption must include:

- (1) An estimate of the program's duration;
  - (2) An estimate of the maximum number of vehicles or engines involved in the program;
  - (3) The time or mileage duration of the test program;
  - (4) The range of the noncomplying properties of the fuel expected to be used in the program, and
  - (5) The quantity of fuel which exceeds the applicable standard that is expected to be used in the program.
- (f) With respect to control, a program must be capable of affording the executive officer a monitoring capability. At a minimum, the application for exemption must also include:
- (1) The technical nature of the test program;
  - (2) The site(s) of the program (including the street address, city, county, and zip code);
  - (3) The manner in which information on vehicles and engines used in the program will be recorded and made available to the executive officer;
  - (4) The manner in which results of the program will be recorded and made available to the executive officer;
  - (5) The manner in which information on the fuel used in the test program (including noncomplying properties, name, address, telephone number, and contact person of supplier, quantity, date received from the supplier) will be recorded and made available to the executive officer;
  - (6) The manner in which the distribution pumps will be

labeled to insure proper use of the test fuel;

(7) The name, address, telephone number and title of the person(s) in the organization requesting an exemption from whom further information on the request may be obtained; and

(8) The name, address, telephone number and title of the person(s) in the organization requesting an exemption who will be responsible for recording and making the information specified in paragraphs (f)(3), (4), and (5) of this section available to the executive officer and the location in which such information will be maintained.

(g) An exemption shall be granted by the executive officer upon a demonstration that the requirements of paragraphs (b), (c), (d), (e) and (f) of this section have been met. The exemption will be granted in the form of memorandum of exemption signed by the applicant and the executive officer (or his delegate), which shall include such terms and conditions as the executive officer determines necessary to monitor the exemption and to carry out the purpose of this section. Any violation of such term or condition shall cause the exemption to be void.

(h) No fuel requirement shall apply to fuel used for an engine or vehicle dynamometer test, or to fuel used in the testing of motor vehicles or motor vehicle fuels on a test track.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: 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). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41511, 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).

#### HISTORY

1. New section filed 2-15-95; operative 2-15-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 7).

