

**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 2. STANDARDS FOR GASOLINE
SOLD BEGINNING MARCH 1, 1996**

This database is current through 12/26/2003, Register
2003, No. 52.

s 2262.5. Compliance With the Standards for Oxygen Content.

(a) Compliance with the minimum oxygen content cap limit standard in specified areas in the wintertime.

(1) Within the areas and periods set forth in section (a)(2), no person shall sell, offer for sale, supply, offer for supply, or transport California gasoline unless it has an oxygen content of not less than the minimum oxygen content cap limit in section 2262.

(2)(A) November 1 through February 29:

South Coast Area

Imperial County

(B) October 1 through October 31, (1996 through 2002 only):

South Coast Area

(b) Compliance with the maximum oxygen content cap limit standard.No person shall sell, offer for sale, supply, or transport California gasoline which has an oxygen content exceeding the maximum oxygen content cap limit in section 2262, or which has an ethanol content exceeding 10 percent by volume.

(c) Compliance by producers and importers with the flat limits for oxygen content.No producer or importer shall sell, offer for sale, supply, or offer for supply from its production or import facility California gasoline which has

an oxygen content less than flat limit for minimum oxygen content, or more than flat limit for maximum oxygen content, unless the gasoline has been reported as a PM alternative gasoline formulation pursuant to section 2265(a) or as an alternative gasoline formulation pursuant to section 2266(c), and complies with the standards contained in sections (a) and (b).

(d) Restrictions on adding oxygenates to California gasoline after it has been supplied from the production or import facility.

(1) Basic Restriction.No person may add oxygenates to California gasoline after it has been supplied from the production or import facility at which it was produced or imported, except where the person adding the oxygenates demonstrates that: [i] the gasoline to which the oxygenates are added has been reported as a PM alternative gasoline formulation pursuant to section 2265(a), or as an alternative gasoline formulation pursuant to section 2266(c), and has not been commingled with other gasoline, and [ii] both before and after the person adds the oxygenate to the gasoline, the gasoline has an oxygen content within the oxygen content specifications of the applicable PM alternative gasoline formulation or alternative gasoline formulation. Nothing in this section (d) prohibits adding oxygenates to CARBOB.

(2) Bringing gasoline into compliance with the minimum oxygen content cap limit.Notwithstanding section (d)(1), a person may add an oxygenate that is not prohibited under section 2262.6 to California gasoline that does not comply with an applicable minimum oxygen content cap limit under sections 2262 and 2262.5(a), where the person obtains the prior approval of the executive officer based on a demonstration that adding the oxygenate is necessary to bring the gasoline into compliance with the minimum oxygen content cap limit.

(e) Application of prohibitions.

(1) Section (a) shall not apply to a transaction occurring in the areas and periods shown in (a)(2) where the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that, prior to the transaction, he or she has taken reasonably prudent precautions to assure that the gasoline will not be delivered to a retail service station

or bulk purchaser-consumer's fueling facility in the areas and periods shown in (a)(2).

(2)(A) Section (a) shall not apply to a transaction occurring in the South Coast Area in October 2000, 2001, 2002, or 2003, where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that the last delivery of gasoline to the stationary storage tank occurred no later than September 16 of that year.

(B) Section (a) shall not apply to a transaction occurring in November either in Imperial County or, starting in 2004, in the South Coast Area, where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying,

or offering the gasoline demonstrates as an affirmative defense that the last delivery of gasoline to the stationary storage tank occurred no later than October 17 of that year.

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

Note: Authority cited: Sections 39600, 39601, 43013, 43013.1, 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, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018, 43101 and 43830.8, 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 11-16-92; operative 12-16-92 (Register 92, No. 47).
2. Amendment of subsection (c) filed 6-2-95; operative 7-3-95 (Register 95, No. 22).
3. Amendment of subsections (a)(2)(C) and (d), repealer of subsection (e)(1) and subsection relettering filed 2-28-96; operative 2-28-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 9).
4. Editorial correction of subsection (a)(2)(B) (Register 97, No. 10).
5. Amendment of subsections (a)-(a)(2)(C) and (e)(1), and new subsection (e)(2) filed 9-21-98; operative 9-21-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 39).
6. Amendment of subsection (b) filed 3-31-99; operative 3-31-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 14).
7. Amendment of subsections (a)(2)(A)-(B), new subsection (a)(2)(C) and subsection relettering filed 9-8-99; operative 9-8-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 37).
8. Amendment of section heading, section and Note filed 8-3-2000; operative 9-2-2000 (Register 2000, No. 31).
9. Amendment of subsections (a)(2)(A)-(B), repealer of subsections (a)(2)(C)-(D), new subsection (e)(2)(A) and redesignation and amendment of former subsection (e)(2) as new subsection (e)(2)(B) filed 8-20-2001; operative 8-20-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 34).

10. Amendment filed 12-24-2002; operative 12-24-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 52).

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