

**C****BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS****TITLE 13. MOTOR VEHICLES****DIVISION 3. AIR RESOURCES BOARD****CHAPTER 5. STANDARDS FOR MOTOR VEHICLE FUELS****ARTICLE 1. STANDARDS FOR GASOLINE****SUBARTICLE 2. STANDARDS FOR GASOLINE SOLD BEGINNING MARCH 1, 1996**

This database is current through 12/26/08, Register 2008, No. 52

§ 2262.6. Prohibition of MTBE and Oxygenates Other Than Ethanol in California Gasoline Starting December 31, 2003.

(a) Basic MTBE prohibitions.

(1) Starting December 31, 2003, no person shall sell, offer for sale, supply or offer for supply California gasoline which has been produced at a California production facility in part by either (i) adding at the California production facility any methyl tertiary-butyl ether (MTBE) in neat form to the California gasoline or to a blending component used in the gasoline; or (ii) using a blending component that contained greater than 0.60 volume percent MTBE when it was supplied to the California production facility.

(2) No person shall sell, offer for sale, supply or offer for supply California gasoline which contains MTBE in concentrations greater than: 0.60 volume percent starting December 31, 2003, 0.30 volume percent starting July 1, 2004, 0.15 volume percent starting December 31, 2005, and 0.05 volume percent starting July 1, 2007.

(b) Phase-in of MTBE prohibitions.

(1) Phase-in of MTBE prohibitions starting December 31, 2003, and 2005. In the first year in which a prohibition applies under section 2262.6(a) starting on December 31, the prohibition shall be phased in as follows:

(A) Starting December 31, for all sales, supplies, or offers of California gasoline by a producer or importer

from its production facility or import facility.

(B) Starting the following February 14, for all other sales, supplies, offers or movements of California gasoline except for transactions directly involving:

1. the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, or

2. the delivery of gasoline from a bulk plant to a retail outlet or bulk purchaser-consumer facility.

(C) Starting the following March 31, for all remaining sales, supplies, offers or movements of California gasoline, including transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility.

(2) Phase-in of MTBE prohibitions starting July 1, 2004 and 2007. In the first year in which a prohibition applies under section 2262.6(a) starting on July 1, the prohibition shall be phased in as follows

(A) Starting July 1, for all sales, supplies, or offers of California gasoline by a producer or importer from its production facility or import facility.

(B) Starting the following August 15, for all other sales, supplies, offers or movements of California gasoline except for transactions directly involving:

1. the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, or

2. the delivery of gasoline from a bulk plant to a retail outlet or bulk purchaser-consumer facility.

(C) Starting the following October 1, for all remaining sales, supplies, offers or movements of California gasoline, including transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility.

(3) Phase-in for low-throughput fueling facilities. The prohibitions in section (a) starting respectively on December 31, 2003, July 1, 2004, December 31, 2005,

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and July 1, 2007, shall not apply to transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, where the person selling, offering, or supplying the gasoline demonstrates as an affirmative defense that the exceedance of the standard was caused by gasoline delivered to the retail outlet or bulk purchaser-consumer facility prior to the date on which the delivery became subject to the prohibition pursuant to the phase-in provisions in section (b).

(c) Use of oxygenates other than ethanol or MTBE in California gasoline on or after December 31, 2003.

(1) Starting December 31, 2003, no person shall sell, offer for sale, supply or offer for supply California gasoline which has been produced at a California production facility with the use of any oxygenate other than ethanol or MTBE unless a multimedia evaluation of use of the oxygenate in California gasoline has been conducted and the California Environmental Policy Council established by [Public Resources Code section 71017](#) has determined that such use will not cause a significant adverse impact on the public health or the environment.

(2) Starting December 31, 2003, no person shall sell, offer for sale, supply or offer for supply California gasoline which contains a total of more than 0.10 weight percent oxygen collectively from all of the oxygenates identified in section (c)(4), other than oxygenates not prohibited by section (c)(1).

(3) Starting July 1, 2004, no person shall sell, offer for sale, supply or offer for supply California gasoline which contains a total of more than 0.06 weight percent oxygen collectively from all of the oxygenates identified in section (c)(4), other than oxygenates not prohibited by section (c)(1).

(4) Covered oxygenates. Oxygen from the following oxygenates is covered by the prohibitions in section 2262.6(c)(1), (2) and (3):

Methanol

Isopropanol

n-Propanol

n-Butanol

iso-Butanol

sec-Butanol

tert-Butanol

Tert-pentanol (tert-amylalcohol)

Ethyltert-butylether (ETBE)

Diisopropylether (DIPE)

Tert-amylmethylether (TAME)

(5) The prohibitions in section 2262.6(c)(1) and (2), and in section 2262.6(c)(3), shall be phased in respectively as follows:

(A) Starting December 31, 2003 and July 1, 2004 respectively for all sales, supplies, or offers of California gasoline by a producer or importer from its production facility or import facility.

(B) Starting February 14, 2004 and August 15, 2004 respectively for all other sales, supplies, offers or movements of California gasoline except for transactions directly involving:

1. the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility, or

2. the delivery of gasoline from a bulk plant to a retail outlet or bulk purchaser-consumer facility.

(C) Starting March 31, 2004 and September 30, 2004 respectively for all remaining sales, supplies, offers or movements of California gasoline, including transactions directly involving the fueling of motor vehicles at a retail outlet or bulk purchaser-consumer facility.

(6) Phase-in for low-throughput fueling facilities. The prohibitions in section 2262.6(c)(1) and (2), and in section 2262.6(c)(3), starting respectively on December 31, 2003 and July 1, 2004, shall not apply to transactions directly involving the fueling of motor vehicles at a re-

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tail outlet or bulk purchaser-consumer facility, where the person selling, offering, or supplying the gasoline demonstrates as an affirmative defense that the exceedance of the standard was caused by gasoline delivered to the retail outlet or bulk purchaser-consumer facility prior to the date on which the delivery became subject to the prohibition pursuant to the phase-in provisions in section 2262.6(c)(5).

<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 filed 6-2-95; operative 7-3-95 (Register 95, No. 22).
3. Amendment filed 9-21-98; operative 9-21-98 pursuant to [Government Code section 11343.4](#)(d) (Register 98, No. 39).
4. Repealer and new section filed 8-3-2000; operative 9-2-2000 (Register 2000, No. 31).
5. Amendment of section heading and section filed 12-24-2002; operative 12-24-2002 pursuant to [Government Code section 11343.4](#) (Register 2002, No. 52).
6. Amendment filed 5-1-2003; operative 5-1-2003 pursuant to [Government Code section 11343.4](#) (Register 2003, No. 18).
7. Amendment of subsections (c)(2)-(3) filed 3-10-2005; operative 4-9-2005 (Register 2005, No. 10).

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