

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

§ 2265. Gasoline Subject to PM Alternative Specifications Based on the California Predictive Model.

(a) Election to sell or supply a final blend as a PM alternative gasoline formulation.

(1) In order to sell or supply from its production facility or import facility a final blend of California gasoline as a PM alternative gasoline formulation subject to PM alternative specifications, a producer or importer shall satisfy the requirements of this section (a).

(2) The producer or importer shall evaluate the candidate PM alternative specifications for gasoline subject to the CaRFG Phase 2 standards in accordance with the Air Resources Board's "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995 and last amended December 11, 1998, which is incorporated herein by reference. The producer or importer shall evaluate the candidate PM alternative specifications for gasoline subject to the CaRFG Phase 3 standards in accordance with the Air Resources Board's "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as corrected November 18, 2004, which is incorporated herein by reference. Starting December 31, 2009, the producer or importer shall evaluate the candidate PM alternative specifications for gasoline subject to the CaRFG Phase 3 standards in accordance with the Air Resources Board's "California Procedures for Evaluating

Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as corrected November 18, 2004 and last amended August 7, 2008, which is incorporated herein by reference. The three documents incorporated by reference in this section 2265(a)(2) are collectively referred to as the "Predictive Model Procedures." If the PM alternative specifications meet the criteria for approval in the applicable Predictive Model Procedures, the producer shall notify the executive officer of: (A) The identity and location of the final blend; (B) the PM alternative specifications that will apply to the final blend, including for each specification whether it applies as a PM flat limit or a PM averaging limit; and (C) the numerical values for percent change in emissions for oxides of nitrogen, total ozone forming potential, and potency-weighted toxic air contaminants as determined in accordance with the applicable Predictive Model Procedures. 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.

(3) Once a producer or importer has notified the executive officer pursuant to this section 2265(a) that a final blend of California gasoline is being sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of California gasoline subsequently sold or supplied from that production or import facility shall be subject to the same PM alternative specifications until the producer or importer either (A) designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications, (B) elects in accordance with section 2264.2 to have a final blend at that facility subject to flat limit compliance options and/or averaging compliance options, or (C) elects in accordance with section 2266(c) to sell a final blend at that facility as an alternative gasoline formulation, or (D) elects in accordance with section 2264.2(d) to sell or supply a final blend at that facility as a PM emissions offsetting formulation (applicable only to producers and importers

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that produce gasoline), or (E) elects in accordance with section 2265.5 to have a final blend at that facility subject to a PM alternative emissions reduction plan (applicable only to producers and importers that produce gasoline).

(4) The executive officer may enter into a written protocol with any individual producer or importer for the purposes of specifying how the requirements in section (a)(2) shall be applied to the producer's or importer's particular operations, as long as the executive officer reasonably determines that application of the regulatory requirements under the protocol is not less stringent or enforceable than application of the express terms of section (a)(2). Any such protocol shall include the producer's or importer's agreement to be bound by the terms of the protocol.

(5) If, through no intentional or negligent conduct, a producer or importer cannot report within the time period specified in section (a)(2) above, the producer or importer may notify the executive officer of the required data as soon as reasonably possible and may provide a written explanation of the cause of the delay in reporting. If, based on the written explanation and the surrounding circumstances, the executive officer determines that the conditions of this section (a)(5) have been met, timely notification shall be deemed to have occurred.

(b) Prohibited activities regarding PM alternative gasoline formulations.

(1) No producer or importer shall sell, offer for sale, supply, or offer for supply from its production or import facility California gasoline which is reported pursuant to section 2265(a) as a PM alternative gasoline formulation subject to PM alternative specifications if any of the following occur:

(A) The identified PM alternative specifications do not meet the criteria for approval in the applicable Predictive Model Procedures; or

(B) The producer was prohibited by section 2265(c) from electing to sell or supply the gasoline as a PM al-

ternative gasoline formulation; or

(C) The gasoline fails to conform with any PM flat limit in the identified PM alternative specifications (see section 2262.4(b) in the case of specifications for Reid vapor pressure); or

(D) With respect to any property for which the producer or importer has identified a PM averaging limit.

1. the gasoline exceeds the applicable PM average limit, and no designated alternative limit for the property has been established for the gasoline in accordance with section 2264(a); or

2. a designated alternative limit for the property has been established for the gasoline in accordance with section 2264(a), and either of the following occur:

a. The gasoline exceeds the designated alternative limit for the property, or

b. Where the designated alternative limit for the property exceeds the PM averaging limit, the exceedance is not fully offset in accordance with the applicable provisions in section 2264(c).

(2) Where a producer or importer has elected to sell or supply a final blend of California gasoline as a PM alternative gasoline formulation in accordance with this section 2265, the final blend shall not be subject to section 2262.3(b) and (c), section 2262.4(b), and section 2262.5(c).

(c) Restrictions associated with elections to sell or supply final blends as PM alternative gasoline formulations.

(1) A producer or importer may not elect to sell or supply from its production or import facility a final blend of California gasoline as a PM alternative gasoline formulation if the producer or importer is subject to any outstanding requirements to provide offsets at the same production or import facility pursuant to section 2264(c).

(2) Once a producer or importer has elected to sell or

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supply from its production or import facility a final blend of California gasoline as a PM alternative gasoline formulation subject to a PM averaging compliance option for one or more properties, the producer or importer may not elect any other compliance option, including another PM alternative gasoline formulation, if there are outstanding requirements to provide offsets for such property or properties pursuant to section 2264(c). However, this section (c)(2) shall not preclude a producer or importer under the circumstances described above from electing another PM alternative gasoline formulation where:

(A) the only changes are that either:

1. PM flat limits for one or more properties are changed to PM averaging limits, or

2. a single PM averaging limit for which there are no outstanding requirements to provide offsets is changed to a PM flat limit, and

(B) there are no changes to the PM alternative specifications for the remaining properties, and

(C) the new PM alternative formulation meets the criteria for approval in the applicable Predictive Model Procedures.

(3) Once a producer or importer has elected to sell or supply from its production or import facility a final blend of California gasoline as a PM alternative gasol-

ine formulation, the producer or importer may not use any previously assigned designated alternative limit for a property to provide offsets pursuant to section 2264(c) for any final blend sold or supplied from the production or import facility subsequent to the election.

(4) A producer or importer may not elect to sell or supply from its production facility or import facility a final blend of California gasoline as a PM alternative gasoline formulation if the producer or importer is subject to any outstanding requirements to provide offsets pursuant to section 2265.1(c) or emission reductions pursuant to section 2265.5 at the same production facility or import facility.

<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 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 6-2-95; operative 7-3-95 (Register 95, No. 22).

2. Amendment of subsection (c)(2) and new subsections (c)(A)-(C) filed 2-28-96; operative 2-28-96 pursuant to [Government Code section 11343.4\(d\)](#) (Register 96, No. 9).

3. Amendment of subsection (a)(2) filed 3-31-99; operative 3-31-99 pursuant to [Government Code section 11343.4\(d\)](#) (Register 99, No. 14).

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4. Amendment of section and Note filed 8-3-2000; operative 9-2-2000 (Register 2000, No. 31).

5. Amendment of subsection (a)(2) filed 8-20-2001; operative 8-20-2001 pursuant to [Government Code section 11343.4](#) (Register 2001, No. 34).

6. Amendment of subsections (b) and (b)(1)(C) filed 12-24-2002; operative 12-24-2002 pursuant to [Government Code section 11343.4](#) (Register 2002, No. 52).

7. Amendment of subsection (a)(2) filed 3-10-2005; operative 4-9-2005 (Register 2005, No. 10).

8. Amendment of subsections (a)(2) and (a)(3) and new subsection (c)(4) filed 8-29-2008; operative 8-29-2008 pursuant to [Government Code section 11343.4](#) (Register 2008, No. 35).

9. Editorial correction of subsection (a)(2) (Register 2008, No. 38).

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