

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Document**

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE TABLES OF
MAXIMUM INCREMENTAL REACTIVITY VALUES

Public Hearing Date: November 3, 2009
Public Availability Date: February 23, 2010
Deadline for Public Comment: March 10, 2010

At a November 3, 2009, public hearing, Bart Croes, Chief of the Research Division, acting on behalf of ARB Executive Officer, James N. Goldstene, considered proposed amendments to the California Code of Regulations, title 17, sections 94700 and 94701, which consist of Tables of Maximum Incremental Reactivity (MIR) values for volatile organic compounds (VOC) and mixtures of VOC. At the hearing, ARB staff proposed additional modifications to the originally proposed amendments in the Staff Report released on September 18, 2009. These modifications would lower the number of new compounds or mixtures listed in section 94700 from “about 380” (as stated in the Staff Report) to “about 360”.

The attachment to this notice shows the proposed 15-day modifications to the originally proposed regulatory language. Appendix A shows underline to indicate the originally proposed additions to the regulation. (There were no originally proposed deletions.) The proposed modifications are shown in **bold double underline** to indicate additions to the original proposal and ~~double-strikeout~~ to indicate deletions. All of the regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/mir2009/mir2009.htm>

Summary of Proposed Modifications

1. In the original proposal, staff inadvertently proposed to add two “LEV” mixtures and six “TLEV exhaust” mixtures. Staff proposes to delete these mixtures, in order to avoid the assumption that they are regulated pursuant to section 94700.
2. In the original proposal, staff inadvertently proposed to add fourteen mixtures, such as “mineral spirits”. These mixtures are better represented by the 24 “bins” of hydrocarbon solvents included in section 94701 (both current and proposed versions). Staff proposes to delete these mixtures from section 94700, in order to clarify that they are regulated pursuant to section 94701.

3. As a result of new research, staff became aware of errors in the calculation of the MIR values for most of the substances listed in section 94700 and all the hydrocarbon bins listed in section 94701 (see supporting document below), and proposes to modify their values accordingly. The recalculated MIR values changed (mostly increased) by up to about 10% for most substances, and from zero to small positive values for some amines. As a result, staff proposes to replace the entire "New MIR Value" column in the attachment, even though MIR values for some substances did not change.
4. Staff proposes to add synonyms to several of the names included in the listing of compounds, in order to help readers locate compounds of interest.

Supporting Document and Information

In accordance with Government Code section 11347.1, staff has added the following document to the rulemaking record in support of the proposed action: "Updated Maximum Incremental Reactivity Scale and Hydrocarbon Bin Reactivities for Regulatory Applications," by Dr. William P. L. Carter, as revised January 28, 2010. This document is being relied on as support for the proposed modification #3 as described in this notice.

Comments and Subsequent Action

In accordance with the Government Code section 11346.8, the proposed modifications identified in Attachment A are being made available for a supplemental 15-day comment period. The Executive Officer shall consider such written comments as may be submitted during this period, and shall make such modifications as may be appropriate in light of the comments received.

Written comments on the proposed modifications may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the Air Resources Board (ARB) in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations will be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si usted necesita este documento en un formato alternativo (es decir, sistema Braille, letra grande, etc.) u otro idioma, por favor llame a la oficina del Consejo a (916) 322-5594 o envíe un fax a (916) 322-3928 no menos de cinco días después de la fecha de comunicado de este aviso. TTY/TDD/Personas que necesitan este servicio pueden marcar el 711 para la Servicio de Retransmisión de Mensajes de California.

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.