

## NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

In a Notice published March 19, 2010 the Department of Food and Agriculture proposed to repeal and adopt regulations in the California Code of Regulations, Title 4, Division 9, Chapter 6, Article 5, relating to Engine Fuel Standards; and Chapter 7, relating to Advertising of Gasoline and Other Motor Vehicle Fuels. A Notice of Modification to Text was published on June 28, 2010 and sought comments on the modified text with the comment period closing on July 20, 2010.

As a result of recommendations received during the second comment period, the Department believes that the changes to the proposed modified text are substantive changes related to the modified text and that the public was adequately placed on notice that changes could result from the originally proposed regulatory action.

Notice is hereby given that any interested person may present statements or arguments on the modified text to the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov). Comments may be submitted beginning August 18, 2010 and ending October 4, 2010. All written comments received by October 8, 2010, which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the original proposal which appears on the attached amendment in double underlined text "underlined" for additions, and double strikethrough text "~~strikethrough~~" for deletions.

Changes to the modified proposal include the following:

- Section 4140(a): The definition of biodiesel fuel was changed to include the product meeting ASTM specifications for biodiesel blending stock
- Section 4140(b): The definition of diesel fuel was changed to include the product meeting ASTM specifications for diesel fuel.
- Section 4140(d): The definition of biomass-based diesel was changed to identify it as non-ester renewable diesel.
- Section 4140(e): The definition of biomass-based diesel blend was changed to identify it as non-ester renewable diesel blend.
- Section 4140(f): The definition of biomass-based diesel was changed to include both biodiesel and non-ester renewable diesel.
- Sections 4142, 4143, 4144, 4146, and 4147: References to a specific volume of ASTM Annual Book of Standards, Section 5 were removed.
- Section 4148(c): The specification for biodiesel blends greater than 20. volume percent were redefined to permit the Division of Measurement Standards to adopt interim standards until such time as ASTM or SAE adopt consensus standards.
- Section 4149: This section was added to specify standards for non-ester renewable diesel blends.
- Section 4203: The proposed requirement to require a cautionary statement of fuel dispenser delivering biomass-based diesel fuel was reinstated.

These documents, in addition to the rulemaking file which contains all written comments on the original proposal, are available for public inspection at the Division between the hours of 8:00 a.m. and 4:30 p.m. Inquires about this action may be directed to:

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DEPARTMENT OF FOOD AND AGRICULTURE

08/16 2010  
Date

 for  
Edmund E. Williams, Director