

CARB - NOT A FAN OF BIODIESEL



Regulatory Guidance

October 2011



California Air Resources Board Guidance on Biodiesel Use

SCOPE

The Air Resources Board (ARB or Board) is issuing a Biodiesel Guidance (Guidance) today, which goes into effect immediately. This Guidance will remain in effect through December 31, 2016, unless extended or otherwise superseded by a subsequent ARB guidance, advisory or notice.

The purpose of this Guidance is to provide clarity and certainty for biodiesel producers and blenders through a restatement of existing ARB policy. This Guidance supersedes the draft guidance document released on November 14, 2006. Other ARB policies pertaining to biodiesel can be found in the Low Carbon Fuel Standard (LCFS) Regulatory Advisories available at ARB's main LCFS informational portal: <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>. This guidance applies exclusively to biodiesel and biodiesel blends, and not to any other fuel or fuel blendstock.

ARB POLICY ON BIODIESEL AND BIODIESEL BLENDS

During the term of this guidance, ARB policy with regard to biodiesel blenders, as well as the sale, supply, or offer for sale in California of biodiesel blends and biodiesel blendstock, is as described below.

(a) Biodiesel Blenders

For purposes of title 13, California Code of Regulations (CCR), sections 2281-2285, ARB does not deem blenders of biodiesel blends to be producers of diesel fuel. Rather, ARB deems blenders of biodiesel blends to be producers of biodiesel blends. Biodiesel blenders fall within the definition of "motor vehicle fuel distributor" as that term is defined in Health and Safety Code section 43026 and, as such, are required to provide ARB with the notification required in section 43026 and meet all other requirements specified therein.

(b) Biodiesel (B100) Blendstock

Biodiesel (B100) blendstock must meet the following provisions:

- (1) The B100 must contain no more than 15 ppm sulfur, as determined using ASTM D5453-93; and
- (2) The B100 must contain no more than 10 percent aromatic hydrocarbon content by volume, as determined using ASTM D5186-96.
- (3) The B100 must meet the requirements of ASTM D6751-08.

(c) Biodiesel Blends: B1 to B50 (inclusive)

ARB will deem B1 to B50 as meeting ARB's motor vehicle fuel specifications in 13 CCR sections 2281-2285, provided the B1 to B50 meets both (1) and (2) below:

- (1) The diesel fuel, which is used to produce a biodiesel blend B1 to B50, is CARB diesel that meets the requirements specified in 13 CCR sections 2281-2285.
- (2) The biodiesel blendstock, which is used to produce a biodiesel blend B1 to B50, meets the provisions of (b) above.

(d) Biodiesel Blends: Above B50

Biodiesel blends above B50 are not subject to the provisions of 13 CCR sections 2281-2285.

(e) Testing and Recordkeeping

Biodiesel blenders must maintain records to document that they meet the provisions in (b) and (c) above; ARB staff may request such records in the future to support current LCFS efforts or the planned biodiesel rulemaking described below.

PLANNED BIODIESEL RULEMAKING

In addition to regulating the carbon intensity of biodiesel through the LCFS regulation, the focus of ARB's current regulatory efforts relating to biodiesel is to develop motor vehicle fuel specifications for biodiesel blends of B6 and above. ARB staff anticipates developing such specifications in the latter part of 2012.

Unlike B6 and higher biodiesel blends, for which there is clear evidence that substantial levels of biodiesel have an adverse effect on oxides of nitrogen (NOx) levels in motor vehicle exhaust, there is significant uncertainty regarding the effects of lower levels of biodiesel blended with CARB diesel in the current literature. This uncertainty precludes ARB from developing new fuel specifications for B1 to B5 beyond the blendstock requirements already in effect under other State regulations (see Other Applicable Regulations below) and the sulfur and aromatics limits that already apply to CARB diesel. ARB staff anticipates that conducting the studies planned for characterizing B1 to B5 emissions will take about five years to complete. After that research is completed, ARB staff will evaluate the results to determine if the data, along with other information available at that time, provide a sufficient scientific basis to warrant a separate motor vehicle fuel specification for B1 to B5.

OTHER APPLICABLE REGULATIONS

The above policy restatement applies only to biodiesel blenders, biodiesel blendstocks, and biodiesel blends. This policy has no effect on California Department of Food and Agriculture, Division of Measurement Standards (CDFA-DMS) regulations; the LCFS regulatory requirements; or any other State, local, or federal regulations on biodiesel blenders, biodiesel blendstocks, or biodiesel blends. CDFA-DMS regulations applicable to engine fuels, including biodiesel, can be found at 4 CCR sections 4140-4148, 4200, and 4202-4205.

All biodiesel blends remain subject to CDFA-DMS regulations under 4 CCR section 4148 and 4202, as well as any other applicable local, State, and federal requirements, including but not limited to U.S. Environmental Protection Agency registration requirements (title 40, Code of Federal Regulations (CFR), part 79) and Federal Trade Commission regulations (16 CFR 306).

DEFINITIONS AND GLOSSARY

For purposes of this guidance document, the following definitions apply:

(a) "Biodiesel Blendstock" or "B100" means a diesel fuel substitute produced from nonpetroleum renewable resources that meet the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act. It includes biodiesel meeting all the following:

- (1) Registered as a motor vehicle fuel or fuel additive under 40 CFR part 79; and
- (2) A mono-alkyl ester; and
- (3) Meets ASTM D 6751-08 (October 1, 2008), Standard Specification for Biodiesel Fuel Blendstock (B100) for Middle Distillate Fuels, which is incorporated herein by reference; and
- (4) Intended for use in engines that are designed to run on conventional diesel fuel; and
- (5) Derived from nonpetroleum renewable resources.

(b) "Biodiesel Blend" means a blend, which is designated as "BXX," of CARB diesel and biodiesel, where XX represents the volume percentage of biodiesel in the blend, and the remainder is solely CARB diesel.

(c) ASTM refers to ASTM International (formerly American Society for Testing and Materials).

MORE INFORMATION

Engine operators are advised to refer to their specific engine manufacturer recommendations before using any fuel in their engine.

For any questions regarding this regulatory guidance, please contact Mr. Floyd Vergara, Chief, Alternative Fuels Branch at (916) 327-5986 or via email at fvergara@arb.ca.gov. If you need this document in an alternate format or language, please contact Mr. Alexander Mitchell at (916) 327-1513 or amitchel@arb.ca.gov. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.