

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 1010.) The Governor's Office authorized the notice to proceed through the rulemaking process on February 9, 2010.

[R10-77]

PREAMBLE

1. Sections Affected

R20-2-701
R20-2-702
R20-2-704
R20-2-707
R20-2-708
R20-2-709
R20-2-713
R20-2-714
R20-2-715
R20-2-718
R20-2-719
R20-2-749
R20-2-751
R20-2-752
R20-2-755
R20-2-756
R20-2-757
R20-2-759
Table A
R20-2-760
Table 1
Table 2

Rulemaking Action

Amend
Repeal
New Section
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 41-2065(A)(4) and 41-2083(N)

Implementing statute: A.R.S. § 41-2083

3. List of all previous notices appearing in the *Register* addressing the proposed rules:

Notice of Rulemaking Docket Opening: 16 A.A.R. 535, April 2, 2010

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Duane Yantorno
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933

Notices of Proposed Rulemaking

Fax: (623) 939-7825
E-mail: Dyantorno@azdwm.gov

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

In a rulemaking that was effective in September 2006, the effect of several subsections was contingent upon the State's Implementation Plan regarding CARB 3 and shortening the winter season to November 1 through January 31 being approved by the U.S. Environmental Protection Agency. Because EPA cannot approve the SIP regarding CARB 3 and the shorter winter season, in this rulemaking the Department is:

- Deleting reference to a winter season that runs from November 1 through January 31. This will make the winter season run from November 1 through March 31; and
- Removing CARB (California Air Resources Board) phase 3 reformulated gasoline as an alternative standard for motor fuel in the CBG-covered area.

In this rulemaking, the Department is also:

- Responding to amendments made in 2007 to A.R.S. § 41-2083 regarding product transfer document requirements for a final destination and labeling requirements for dispensers at motor fuel dispensing sites;
- Responding to HB 2621, enacted in 2008, regarding biofuel standards and requirements;
- Modifying motor fuel standards for ethanol blending; and
- Updating materials incorporated by reference

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The economic impact of this rulemaking will be minimal. Because implementation of rules regarding use of CARB 3 and shortening the winter season was contingent on EPA approving the SIP and because EPA did not approve the SIP, reference to these two items is being deleted. This will cause the rules to remain as they have been.

The rules made in response to recent statutory amendments to A.R.S. § 41-2083 will have some economic impact. Producers, suppliers, and blenders of biofuels and biofuel blends will have to comply with the registration, reporting, labeling, and quality assurance and quality control requirements in this rulemaking. These requirements, which are minimally burdensome on producers, suppliers, and blenders of biofuels and biofuel blends, are needed to protect the public and to protect the producer, supplier, or blender from liability for any damage resulting when a consumer misfuels. Any cost associated with compliance is a cost of doing business that will be passed to the ultimate consumer. The requirement regarding transfer documents, which already exists and is simply being clarified to be consistent with statute, is minimally burdensome.

The updated materials incorporated by reference are simply the latest industry standards. Incorporation of a new standard regarding biofuel and biofuel blends is required by statute.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Duane Yantorno
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-7825
E-mail: Dyantorno@azdwm.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, August 4, 2010
Time: 10:00 a.m.
Location: 4425 W. Olive Ave., Suite 134
Glendale, AZ 85302

The rulemaking record will close at 5:00 p.m. on Friday, August 6, 2010.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Under A.R.S. § 41-2083(C) and (H), the director of the Department is required to consult with the director of the Department of Environmental Quality regarding the rules. This consultation has occurred. Under the state's implementation plan, changes regarding Arizona CBG will have to be submitted to the EPA for approval.

12. Incorporations by reference and their location in the rules:

The following materials are incorporated by reference in R20-2-702:

ASTM Standard D975, 2010 (ASTM D975-10), "Standard Specification for Diesel Fuel Oils," ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

ASTM Standard D4806, 2009a (ASTM D4806-09a), "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

ASTM Standard D4814, 2009b (ASTM D4814-09b), "Standard Specification for Automotive Spark-Ignition Engine Fuel," ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

ASTM Standard D5798, 2009b (ASTM D5798-09b), "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines," ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

ASTM Standard D6751, 2009a (ASTM D6751-09a), "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels," 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

ASTM Standard D7467, 2009a (ASTM D7467-09a), "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20)," 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org

13. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

Section

R20-2-701.	Definitions
R20-2-702.	Material Incorporated by Reference
R20-2-704.	Price and Grade Posting on External Signs
R20-2-707.	Product Transfer Documentation and Record Retention for Motor Fuel other than Arizona CBG and AZRBOB
R20-2-708.	Oxygenated Fuel Gasoline Ethanol Blends
R20-2-709.	Retail Oxygenated Fuel Labeling
R20-2-713.	Motor Fuel Storage Tank Labeling
R20-2-714.	Requirements for Motor Fuels Outside the CBG covered Area Other than Arizona CBG
R20-2-715.	Motor Fuel Quality Testing Methods and Requirements
R20-2-718.	Requirements for the Production, Transport, Distribution, and or Sale of E85 Biofuels
R20-2-719.	Requirements for the Sale of Biodiesel Repealed
<u>R20-2-749.</u>	<u>Definitions Applicable to Arizona CBG and AZRBOB</u>
R20-2-751.	Arizona CBG Requirements
R20-2-752.	General Requirements for Registered Suppliers
R20-2-755.	Additional Requirements for AZRBOB and Downstream Oxygenate Blending
R20-2-756.	Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks
R20-2-757.	Product Transfer Documentation; Records Retention
R20-2-759.	Testing Methodologies
Table A.	Arizona Department of Weights and Measures Test Methods for Arizona CBG and AZRBOB
R20-2-760.	Compliance Surveys
Table 1.	Type 1 Arizona CBG Standards

Table 2. Type 2 Arizona CBG Standards

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

R20-2-701. Definitions

In addition to the definitions in R20-2-101, the following definitions apply to this Article unless the context otherwise requires:

“Address” means a street number, street name, city, state, and zip code.

“Area A” has the same meaning as in A.R.S. § 49-541.

“Area B” has the same meaning as in A.R.S. § 49-541.

“Arizona Cleaner Burning Gasoline” or “Arizona CBG” means a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered area, except as provided under A.R.S. § ~~41-2124(K)~~ 41-2124(J).

“AST” means aboveground storage tank.

“AZRBOB” or “Arizona Reformulated Blendstock for Oxygenate Blending” means a combination of gasoline blendstocks that is intended to be or represented to constitute Arizona CBG upon the addition of a specified amount (or range of amounts) of fuel ethanol after the blendstock is supplied from the facility at which it was produced or imported.

“Batch” means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel properties specific for the motor fuel standards applicable to that motor fuel or AZRBOB.

“Beginning of transport” means the point at which:

A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or third-party terminal;
or

A registered supplier that retains custody of Arizona CBG or AZRBOB begins transfer of the Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG-covered area.

“Biodiesel” means a diesel fuel substitute that satisfies all of the following: is produced from renewable resources and meets the registration requirement for fuels and fuel additives established by EPA under section 211 of the Clean Air Act as defined in A.R.S. § 49-401.01.

~~Is produced from nonpetroleum renewable resources if the qualifying volume of nonpetroleum renewable resources meets the standards for California diesel fuel as adopted by the California air resources board pursuant to 13 California code of regulations sections 2281 and 2282 in effect on January 1, 2000.~~

~~Meets the registration requirement for fuels and additives established by the environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01.~~

~~The use of the diesel fuel substitute complies with the requirements listed in 10 Code of Federal Regulations part 490, as printed in the federal register, volume 64, number 96, May 19, 1999.~~

~~Is sold, offered or exposed for sale as a neat product or blended with diesel fuel. A.R.S. § 41-2051(1).~~

“Biodiesel blend” means a motor fuel that is composed of biodiesel and diesel fuel and identified by the letter “B” and a numeric value indicating the volume percentage of biodiesel in the blend.

“Biodiesel (mono-alkyl ester)” means a biodiesel or fuel additive that:

Is registered as a motor vehicle fuel or fuel additive under 40 CFR 79.

Is a mono-alkyl ester.

Meets the standards in ASTM D6751.

Is intended for use in engines designed to run on conventional diesel fuel, and

Is derived from renewable resources.

“Biodiesel (mono-alkyl ester) blend” means a motor fuel composed of biodiesel (mono-alkyl ester) and diesel fuel and identified by the letter “B” and a numeric value indicating the volume percentage of biodiesel (mono-alkyl ester) in the blend.

“Biofuel” means a solid, liquid, or gaseous fuel that is derived from biomass or renewable resources and can be used directly for heating or power or as a motor fuel.

“Biofuel blend” means a motor fuel composed of biofuel and petroleum-based motor fuel and identified by the letter “B” and a numeric value indicating the volume percentage of biofuel in the blend.

“Biofuel distributor” means a person engaged in transporting, marketing, or selling biofuels or biofuel blends.

“Biomass” means biological material, such as animal or plant matter, that can be transformed into biofuel, excluding biological material that has been transformed by geological processes into a substance such as coal petroleum or a derivative of a substance resulting from geological processes.

“Blendstock” means any liquid compound that is blended with another liquid compound to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive registered under 40 CFR 79 is not a blendstock.

“BO9000” means the cooperative and voluntary program, implemented by the National Biodiesel Accreditation Commission, to certify producers and marketers of biodiesel fuel using a combination of the ASTM Standard for biodiesel (ASTM D6751) and a quality systems program of fuel management practices regarding storing, sampling, testing, blending, shipping, and distributing biodiesel fuel.

“CARB” means the California Air Resources Board.

~~“CARBOB” means California Reformulated Gasoline Blendstock for Oxygenate Blending.~~

“CARBOB Model” means the procedures incorporated by reference in R20-2-702(12).

“CARB Phase 2 gasoline” means gasoline that meets the specifications incorporated by reference in R20-2-702(8).

~~“CARB Phase 3 gasoline” means gasoline that meets the specifications incorporated by reference in R20-2-702(9).~~

“CBG-covered area” means a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county within area A.

“Conventional gasoline” means gasoline that conforms to the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.

~~“Designated alternative limit” means a motor fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the Predictive Model Procedures.~~

“Diesel” or “diesel fuel” means a refined middle distillate for use that is used as a motor fuel in a compression-ignition internal-combustion engine and that meets the requirements of ASTM D975.

~~“Downstream oxygenate blending” means combining AZRBOB and fuel ethanol to produce fungible Arizona CBG.~~

“Duplicate” means a portion of a sample that is treated the same as the original sample to determine the accuracy and precision of an analytical method.

“E85” means a fuel ethanol gasoline blend that meets the specifications in ASTM ~~D 5798~~ D5798, which is incorporated by reference in R20-2-702.

“EPA” means the United States Environmental Protection Agency.

“EPA waiver” means a waiver granted by the Environmental Protection Agency as described in “Waiver Requests under Section 211(f) of the Clean Air Act,” which is incorporated by reference in R20-2-702.

“Final destination” means the name and address of the location to which a transferee will deliver motor fuel for further distribution or final consumption.

“Final distribution facility” means a stationary motor-fuel transfer point at which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to a motor-fuel dispensing site.

“Fleet” means at least 25 motor vehicles owned or leased by the same person.

“Fleet vehicle fueling facility” means a facility or location where a motor fuel is dispensed for final use by a fleet.

“Fuel ethanol” means denatured ethanol that meets the specifications in ASTM ~~D 4806~~ D4806, which is incorporated by reference in R20-2-702.

“Gasoline” means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than .05 grams of lead for each United States gallon, is produced, refined, manufactured, blended, distilled, or compounded from petroleum, natural gas, oil, shale oils or coal, and other flammable liquids free from undissolved water, sediment, or suspended matter, with or without additives, and is commonly used as a fuel for spark-ignition internal-combustion engines. Gasoline does not include diesel fuel or E85.

~~“Importer” means any person that assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.~~

“Jobber” means a person that distributes a motor fuel from a bulk storage plant to the owner or operator of a UST or

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

AST or purchases a motor fuel from a terminal for distribution to the owner or operator of a UST or AST.

“Manufacturer’s proving ground” means a facility used only to develop complete motor vehicles, ~~that~~ which are not currently available on the retail market, for an automotive manufacturer.

“Motor fuel” means a petroleum or a petroleum-based substance such as that is motor gasoline, any grade of oxygenated gasoline, aviation fuel, number one or number two diesel fuel including neat biodiesel or a or any grade of oxygenated gasoline typically used in the operation of a motor engine, including biodiesel blend blends, biofuel blends and the ethanol blend E85 typically used in the operation of a motor engine as defined in ASTM D5798.
A.R.S. § 41-2051

“Marketer” means a person engaged in selling or offering for sale motor fuels.

“Motor fuel dispensing site” means a facility or location where a motor fuel is dispensed into commerce for final use.

“Motor fuel property” means any characteristic listed in R20-2-751(A)(1) through (A)(7), R20-2-751(B)(1) through (B)(7), Table 1, Table 2, or any other motor fuel standard referenced in this Article.

“Motor vehicle” means a vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:

A vehicle that runs on or is guided by rails; or

A vehicle ~~that~~ is designed primarily for travel through air or water.

“Motor vehicle racing event” means a competition, including related practice and qualifying and demonstration laps that uses unlicensed motor vehicles designed and manufactured specifically for racing and is conducted on a public or private racecourse for the entertainment of the general public.

“MTBE” means methyl tertiary butyl ether.

“Neat” means straight pure or 100 percent; not blended with gasoline motor fuel.

“Non-ester renewable diesel blend” means a motor fuel composed of non-ester renewable diesel and diesel fuel and identified by the letter “R” and a numeric value indicating the volume percentage of non-ester renewable diesel in the blend.

“NOx” means oxides of nitrogen.

“Octane,” “octane number,” or “octane rating” mean the anti-knock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM ~~D-2699~~ D2699 and ASTM ~~D-2700~~ D2700.

“Oxygenate” means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and is approved as a blending agent under the provisions of a waiver issued by the EPA under 42 U.S.C. 7545(f).

“Oxygenate blender” means a person that owns, leases, operates, controls, or supervises an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate-blending facility.

“Oxygenate blending facility” means any location (including a truck) where fuel ethanol is added to Arizona CBG or AZRBOB and the resulting quality or quantity of Arizona CBG is not altered in any other manner except for the addition of a deposit control or similar additive registered under 40 CFR 79.

“Oxygenated Arizona CBG” means Arizona CBG with a minimum oxygen content of 3.7 wt. % or another minimum oxygen content approved by the Director under A.R.S. § 41-2124, that is produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles in the CBG covered area from November 1 through January 31 of each year.

“Oxygen content” means the percentage by weight of oxygen contained in a gasoline oxygenate blend as ~~calculated by determined under~~ ASTM D-4815 D4815.

“Performance standard” means the VOC and NOx emission reduction percentages in R20-2-751(A)(8) and Table 1.

“Petroleum-based renewable diesel” means diesel fuel or fuel additive that meets all of the following:

Is registered as a motor vehicle fuel or fuel additive under 40 CFR 79.

Is not a mono-alkyl ester.

Is intended for use in engines designed to run on diesel fuel.

Is derived from petroleum and renewable resources.

Meets the requirements of ASTM D975, and

Is identified by the letter “R” and a numeric value indicating the volume percentage of the renewable resources component in the blend.

“Pipeline” means a transporter that owns or operates an interstate common-carrier pipe or is subject to Federal Energy Regulatory Commission tariffs to transport motor fuels into Arizona.

“PM” or “Predictive Model Procedures” means the California Predictive Model and CARB’s “California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model,” as adopted April 20, 1995, and “California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model,” as amended April 25, 2001, both of which are incorporated by reference in R20-2-702. This definition will not become effective until Arizona’s revised State Implementation Plan regarding CARB-3 is approved by EPA.

“PM alternative gasoline formulation” means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.

“PM alternative specifications” means the specifications for the following fuel properties, as determined using a testing methodology in R20-2-759:

- Maximum RVP, expressed in the nearest 100th of a pound per square inch;
- Maximum sulfur content, expressed in the nearest part per million by weight;
- Maximum olefin content, expressed in the nearest 10th of a percent by volume;
- Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;
- Maximum T50, expressed in the nearest degree Fahrenheit;
- Maximum T90, expressed in the nearest degree Fahrenheit; and
- Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.

“PM averaging compliance option” means, with reference to a specific fuel property, the compliance option for PM alternative gasoline formulations by which final blends of Arizona CBG and AZRBOB are assigned designated alternative limits under R20-2-751(G), (H), and (I).

“PM averaging limit” means a PM alternative specification that is subject to the PM averaging compliance option.

“PM flat limit” means a PM alternative specification that is subject to the PM flat limit compliance option.

“PM flat limit compliance option” means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for that specified fuel property as contained in the PM alternative specifications.

“Pressurant” means a blendstock component of an E85 blend for sale within the CBG-covered area added specifically to ensure that the vapor pressure meets ASTM D5798 requirements.

“Produce” means:

Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB.

If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article, without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.

If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to further process the Arizona CBG or AZRBOB at the refiner’s refinery and be treated as the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona CBG or AZRBOB.

If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production or import facility, and does not alter the quality or quantity of the AZRBOB or the quality or quantity of the resulting Arizona CBG certified by a registered supplier in any other manner except for the addition of a deposit control or similar additive, the producer or importer of the AZRBOB, rather than the oxygenate blender, is considered the producer or importer of the full volume of the resulting Arizona CBG.

“Producer” means a refiner, blender, or other person that produces a motor fuel, including Arizona CBG or AZRBOB.

“Production facility” means a facility at which a motor fuel, including Arizona CBG or AZRBOB, is produced. Upon request of a producer, the Director may designate, as part of the producer’s production facility, a physically separate bulk storage facility that:

- Is owned or leased by the producer;
- Is operated by or at the direction of the producer; and
- Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the

production facility.

“Product transfer document” means a bill of lading, loading ticket, manifest, delivery receipt, invoice, or other paper that is provided by the transferor at the time motor fuel is delivered and evidences that custody or title of the motor fuel is transferred to the transferee. A product transfer document is not required when motor fuel is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility.

“Refiner” means a person that owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.

“Refinery” means a facility that produces a liquid fuel, including Arizona CBG or AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel offered for sale or sold into commerce as a finished motor fuel.

~~“Registered supplier” means a producer or importer that supplies Arizona CBG or AZRBOB and is registered with the Director under R20-2-750.~~

“Renewable resource” means an energy resource, such as wind, solar, geothermal, and biomass, which is replenished at a rate equal to or greater than its rate of depletion.

“Reproducibility” means the testing method margin of error as provided in the ASTM specification or other testing method required under this Article.

~~“RVP” means Reid vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D 5191.~~

“Supplier” means a marketer or jobber of a biofuel or biofuel blend.

“Supply” means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.

“Terminal” means a bulk storage facility at which motor fuels are stored before being distributed into commerce.

“Test result” means any document that contains a result of testing including all original test measures, all subsequent test measures that are not identical to the original test measure, and all worksheets on which calculations are performed.

~~“Third party terminal” means an owner or operator of a gasoline storage tank facility that accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier, oxygenate blender, pipeline, or other third party terminal and relinquishes custody of the Arizona CBG or AZRBOB to a transporter.~~

“Transferee” means a person that receives title to or custody of a motor fuel.

“Transferor” means a person that relinquishes title to or custody of a motor fuel to a transporter, marketer, jobber, or motor fuel dispensing site.

“Transmix” means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.

“Transmix facility” means a facility at which transmix is processed into its components and then the components either are combined with a finished product or further processed to produce a finished motor fuel.

“Transporter” means a person that causes motor fuels, including Arizona CBG or AZRBOB, to be transported into or within Arizona.

~~“Type 1 Arizona CBG” means a gasoline that meets the standards contained in R20-2-751(A) and Table 1.~~

~~“Type 2 Arizona CBG” means a gasoline that meets the standards contained in Table 2 or is certified using the PM according to the requirements of R20-2-751(G), (H), and (I), and:~~

~~Meets the requirements in R20-2-751(A) beginning February 1 through October 31 of each year; and~~

~~Meets the requirements in R20-2-751(B) beginning November 1 through January 31 of each year.~~

“UST” means underground storage tank.

“Vapor pressure” means dry vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D5191.

“Vehicle emissions control area” has the same meaning as in A.R.S. § 49-541 except that a vehicle emissions control area does not include a manufacturer’s proving ground that is located in the vehicle emissions control area.

“VOC” means volatile organic compound.

~~“Winter” means November 1 through January 31.~~

R20-2-702. Material Incorporated by Reference

A. The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no future editions or amendments.

1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 1, 1998 Edition, ~~Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, D.C. 20402-9328~~ P.O. Box 979050, St.

Notices of Proposed Rulemaking

Louis, MO 63197-9000 or bookstore.gpo.gov.

2. ASTM Standard D975, 2010 ~~D-975-04e~~ (ASTM D975-10), "Standard Specification for Diesel Fuel Oils," 2004 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or www.astm.org.
3. ASTM Standard D4806, 2009 ~~D-4806-04a~~ (ASTM D4806-09), "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," 2004 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
4. ASTM Standard D4814, 2009b ~~D-4814-04a~~ (ASTM D4814-09b), "Standard Specification for Automotive Spark-Ignition Engine Fuel," 2004 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
5. Waiver Requests under Section 211(f) of the Clean Air Act, (August 22, 1995 edition), United States Environmental Protection Agency, Transportation and Regional Programs Division, Fuels Program Support Group, Mail Code 6406-J, Washington, D.C. 20460.
6. ASTM Standard D5798, 2009b ~~D-5798-99~~ (ASTM D5798-09b), "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines," re-approved 2004 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
7. ASTM Standard D6751, 2009a ~~D-6751-03a~~ (ASTM D6751-09a), "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels," 2003 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
8. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," adopted April 20, 1995. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
9. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as amended April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
- ~~10-9.~~ The Federal Complex Model as contained in 40 CFR 80.45, January 1, 1999. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328 P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov.
- ~~11-10.~~ California Air Resources Board, The California Reformulated Gasoline Regulations, Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending), as of April 9, 2005. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
- ~~12-11.~~ California Air Resources Board, Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB), adopted April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
12. ASTM Standard D7467, 2009a (ASTM D7467-09a), "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20)," 2010, ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.

B. ~~Subsections (A)(9), Subsection (A)(11), and (A)(12)~~ will not become effective until Arizona's revised State Implementation Plan regarding CARB-3 is approved by EPA.

R20-2-704. Price and Grade Posting on External Signs

- A.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. Describes diesel fuel as No. 1 diesel, #1 diesel, No. 2 diesel, #2 diesel, or biodiesel blend; and
 7. No change
- B.** ~~Effective June 5, 2004, if a sign uses~~ If the following terms are used in a sign to describe a gasoline grade or gasoline-oxygenate blend, the grade or blend shall meet the following minimum antiknock index:

Term	Minimum Antiknock Index
1. Regular, Reg, Unleaded, UNL, or UL	87
2. Midgrade, Mid, or Plus	89
3. Premium, PREM, Super, Supreme, High, or High Performance	91

Notices of Proposed Rulemaking

R20-2-707. Product Transfer Documentation and Record Retention for Motor Fuel other than Arizona CBG and AZRBOB

- A. ~~If~~ When a person transferor transfers custody or title to a motor fuel that is not Arizona CBG or AZRBOB, and the motor fuel is not sold or dispensed at a ~~service station~~ motor fuel dispensing site or fleet vehicle fueling facility, the ~~person transferor~~ shall provide to the transferee documents that include the following information:
- ~~1. The name and address of the person transferring custody or title;~~
 - ~~2. The name and address of the transferee;~~
 - ~~3-1. No change~~
 - ~~4-2. No change~~
 - ~~5-3. No change~~
 - ~~6-4. No change~~
 - ~~7-5. No change~~
 - ~~8-6. No change~~
 - ~~9-7. For conventional gasoline transported in or through the~~ CBG-covered ~~CBG-covered~~ area, the statement, “This gasoline is not intended for use inside the CBG-covered ~~CBG-covered~~ area”; ~~and~~
 - ~~10-8. Whether a lead substitute is present in the gasoline and the type of lead substitute present;~~
 9. For a biofuel or biofuel blend, the percentage of biofuel in the finished product; and
 10. The final destination:
 - a. When a terminal is the transferor, the owner or operator of the terminal shall include on the product transfer document the terminal name and address, the transporter name and address, and the final destination, which may be a final distribution facility, jobber, marketer, or motor fuel dispensing site;
 - b. When a transporter is the transferor, the transporter shall include on the product transfer document the name and address of the transporter and the final destination, which is the location at which the motor fuel will be delivered and off loaded from the truck; and
 - c. When a jobber or marketer is the transferor, the jobber or marketer shall include on the product transfer document the name and address of the jobber or marketer and the final destination, which may be a final distribution facility or a motor fuel dispensing site.
- ~~B.~~ To enable a transferor to comply fully with the requirement in subsection (A)(10), the transferee shall supply to the transferor information regarding the final destination.
- ~~B-C.~~ No change
~~C-D.~~ No change
~~D-E.~~ No change
~~E-F.~~ An owner or operator of a motor fuel dispensing site or fleet owner shall maintain product transfer documentation for the three most recent deliveries of each grade of motor fuel on the ~~service station owner's or operator's premises of the motor fuel dispensing site owner or operator~~ or fleet ~~owner's premises~~ owner. This documentation shall be available for Department review.
- ~~F-G.~~ No change
~~G-H.~~ No change

R20-2-708. ~~Oxygenated Fuel Gasoline Ethanol Blends~~

- ~~A.~~ A person that has custody of gasoline blended with an oxygenate shall ensure that the amount of oxygenate does not exceed the amount allowed by EPA waivers, Section 211(f) of the Clean Air Act, and A.R.S. § 41-2122. The maximum oxygen content of gasoline oxygenate blends shall not exceed ~~3-7~~ 4.0 percent by weight for fuel ethanol oxygenate and as specified in A.R.S. § 41-2122 for other oxygenates.
- ~~B.~~ Special provisions for gasoline ethanol blends.
1. A gasoline ethanol blend that meets the requirements in subsections (B)(1)(a) and (b) shall not exceed the vapor pressure specified in ASTM D4814 by more than one psi:
 - a. The gasoline ethanol blend shall contain fuel ethanol. The concentration of the fuel ethanol, excluding the required denaturing agent, shall be:
 - i. From May 1 through September 15, at least nine percent and no more than 10 percent by volume of the gasoline ethanol blend; and
 - ii. From September 16 through April 30, at least 1.5 percent by weight and no more than 10 percent by volume of the gasoline ethanol blend; and
 - b. The fuel ethanol content of the gasoline ethanol blend shall:
 - i. Be determined using the appropriate test method listed in ASTM D4814, and
 - ii. Not exceed any applicable waiver condition under Section 211(f) of the Clean Air Act.
 2. The provision in subsection (B)(1) is effective for gasoline ethanol blends sold:
 - a. Outside the CBG-covered area year around, and
 - b. Within the CBG-covered area during April and October.

3. Gasoline blended with no more than 10 percent by volume of fuel ethanol shall be blended using one of the following alternatives:
 - a. The base gasoline complies with the standards in ASTM D4814, the fuel ethanol complies with the standards in ASTM D4806, and the finished blend complies with the standards in ASTM D4814 with the following permissible exceptions:
 - i. The distillation minimum temperature at the 50 volume percent evaporated point is not less than 66°C (150°F), and
 - ii. The minimum test temperature at which the vapor/liquid ration is equal to 20 is waived;
 - b. The finished blend complies with the standards in ASTM D4814; or
 - c. The base gasoline complies with the standards in ASTM D4814 except distillation and the finished blend complies with the standards in ASTM D4814 with the following permissible exceptions:
 - i. The distillation minimum temperature at the 50 volume percent evaporated point is not less than 66°C (150°F), and
 - ii. The minimum test temperature at which the vapor/liquid ration is equal to 20 is waived.
 4. A gasoline ethanol blend shall meet the standards specified in ASTM D4814.
- C.** In addition to complying with the requirements in R20-2-707, the transferor of a gasoline ethanol blend shall ensure that the product transfer document contains a legible and conspicuous statement that the gasoline being transferred contains fuel ethanol and the percentage concentration of fuel ethanol.

R20-2-709. Retail Oxygenated Fuel Labeling

- A. No change
- B. The owner or operator of a motor fuel dispensing site shall ensure that labels required under subsection (A) are displayed on the upper 60 percent of each face of each motor fuel dispenser. The label indicating the maximum percent by volume of oxygenate contained in the oxygenated fuel shall state: “~~Contains~~ May contain up to _____ % fuel ethanol.”
- C. In the CBG-covered area and area B, the owner or operator of a motor fuel dispensing site shall ensure that a label displayed on each face of each motor fuel dispenser contains the following statement: “This gasoline is oxygenated with fuel ethanol and will reduce carbon monoxide emissions from motor vehicles in the winter.” The statement may be printed on the label required in subsection (B) or on a separate label. If the statement is printed on a separate label, the label shall be displayed next to the label required in subsection (B).
- D. No change
 1. No change
 2. No change
 3. No change

R20-2-713. Motor Fuel Storage Tank Labeling

- A. ~~A service station~~ An owner or operator of a motor fuel dispensing site shall ensure that all motor fuel storage tank fill pipes and gasoline vapor return lines located at a service station the motor fuel dispensing site are labeled to identify the contents accurately as:
 1. Unleaded gasoline,
 2. Unleaded midgrade gasoline,
 3. Unleaded premium gasoline,
 4. No. 1 or #1 diesel fuel,
 5. No. 2 or #2 diesel fuel, ~~or~~
 6. Gasoline vapor return,
 7. Biodiesel blend, or
 8. E85.
- B. ~~A service station~~ An owner or operator of a motor fuel dispensing site shall ensure that ~~labels are~~ the label required under subsection (A) is at least 1 1/2" x 5" with at least 1/4" black or white block lettering on a sharply contrasting background and that the label is clean, visible, and legible at all times.
- C. ~~A service station~~ An owner or operator of a motor fuel dispensing site may display other information on the reverse side of a two-sided label.
- D. ~~A service station~~ An owner or operator of a motor fuel dispensing site shall not put motor fuel into storage tanks without attaching the proper label.

R20-2-714. Requirements for Motor Fuels ~~Outside the CBG-covered Area~~ Other than Arizona CBG

- A. A person that owns or operates a motor fuel dispensing site or transmix or production facility outside the CBG-covered area shall ensure that a motor fuel offered for sale at the motor fuel dispensing site or transmix or production facility meets all the appropriate specifications in R20-2-702 except:
 1. ~~From that from~~ May 1 through September 30, gasoline shall meet the specifications in ASTM ~~D 4814-04a~~ D4814 except maximum vapor pressure shall be 9.0 pounds per square inch;

Notices of Proposed Rulemaking

2. For gasoline blends, the vapor pressure may be no more than one pound per square inch greater than the vapor pressures established by ASTM D 4814-04a during:
 - a. May 1 through September 15, if the gasoline fuel ethanol blend meets the requirements of ASTM D 4814-04a, the volatility requirements of subsection (A)(1), and the final gasoline fuel ethanol blend contains at least nine percent fuel ethanol by volume but does not exceed the volume specified in EPA waivers; and
 - b. September 16 through April 30, if the gasoline fuel ethanol blend meets the requirements of ASTM D 4814-04a and the final gasoline fuel ethanol blend contains at least 1.5 percent fuel ethanol by weight but does not exceed the volume specified in EPA waivers.

- B. No change
- C. No change
 1. No change
 2. No change
 3. No change
- D. No change
 1. No change
 2. No change
 3. No change

R20-2-715. Motor Fuel Quality Testing Methods and Requirements

- A. No change
- B. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, a person testing #1 or #2 diesel fuel shall use the methodologies and meet the specifications of ASTM ~~D 975-04e~~ D975.
- C. No change

R20-2-718. Requirements for ~~the~~ Production, Transport, Distribution, and ~~or~~ Sale of ~~E85~~ Biofuels

- ~~A. Requirements applicable statewide.~~
 1. A producer of E85 or the owner or operator of a motor fuel dispensing site that dispenses E85 shall ensure that the E85 sold or offered for sale in Arizona meets all the specifications in ASTM D 5798-99.
 2. An owner or operator of a motor fuel dispensing site shall ensure that both the motor fuel dispenser and nozzle from which E85 is dispensed have labels affixed that indicate E85 is not gasoline and is intended for use only in a flexible-fuel vehicle, and stating, "Check your owner's manual to ensure that this fuel can be used in your vehicle."
 3. An owner or operator of a motor fuel dispensing site shall ensure that any motor fuel dispenser from which E85 is dispensed is compatible with E85 and meets the requirements in R20-2-203.
 4. A producer of E85 shall report to the Department, by the 15th of the month following the production of E85, the following information regarding the E85 production:
 - a. The amount of fuel ethanol used during the previous month;
 - b. The amount of gasoline used during the previous month;
 - c. The total amount of E85 produced during the previous month;
 - d. The total amount of E85 sold during the previous month;
 - e. The fuel quality properties for the gasoline and fuel ethanol components making up each batch of E85; and
 - f. The fuel quality properties of each batch of final E85 blend.
- ~~B. Requirements applicable in the CBG-covered area.~~
 1. A producer of E85 for sale in the CBG-covered area shall use Arizona CBG or AZRBOB as the gasoline portion of the E85 blend.
 2. A producer of E85 for sale in the CBG-covered area shall ensure that the fuel ethanol used meets the standard in R20-2-751(C).
- A. General requirements for producers and suppliers of biofuel or biofuel blends in Arizona.**
 1. Registration requirement.
 - a. A producer, supplier, or person required to register with the EPA under 40 CFR 80, Subpart K, shall register with the Director, using a form prescribed by the Director, before producing or supplying biofuel or biofuel blend in Arizona.
 - b. A person required to register under subsection (A)(1)(a) shall notify the Director within 10 days after the effective date of a change in any of the information provided under subsection (A)(1)(a).
 - c. Consequences of failing to register under subsection (A)(1)(a).
 - i. If a producer fails to register, the Department shall presume that all biofuel or biofuel blend produced is non-compliant with the requirements of this Chapter from the date that registration should have occurred; and
 - ii. If a supplier or person required to register with the EPA fails to register, the Director shall take action as allowed under A.R.S. § 41-2115 and R20-2-262.
 - d. The Department shall maintain and make available to the public a list of all persons registered under this Section.

2. Reporting requirement.
 - a. A person required to register under subsection (A)(1)(a) shall report to the Department by the 15th of the month after producing or supplying biofuel or biofuel blend. The person shall:
 - i. Report on a form prescribed by the Director.
 - ii. Provide the information specified in subsections (B) and (C).
 - iii. Attest to the truthfulness and accuracy of the information submitted.
 - iv. Consent to the Department or its authorized agent collecting samples and accessing records as provided in this Article, and
 - v. Ensure that the report form is signed by a corporate officer responsible for operations at the facility at or from which the biofuel or biofuel blend was produced or supplied.
 - b. The Department shall classify the information submitted under subsection (A)(2)(a) as confidential and protected under A.R.S. § 44-1374 if the person that submits the information expressly designates the information as confidential.
 3. Quality Assurance and Quality Control (QA/QC) program requirement.
 - a. A person required to register under subsection (A)(1)(a) shall develop a QA/QC program to ensure the quality of a biofuel or biofuel blend produced in or supplied in or into Arizona.
 - b. A person required to develop a QA/QC program under subsection (A)(3)(a) shall summarize the QA/QC program in a manual and submit the manual to the Director for approval at least three months before the person plans to produce or supply a biofuel or biofuel blend. The person shall ensure that the manual:
 - i. Documents the manner in which the QA/QC program ensures that a biofuel or biofuel blend produced or supplied conforms to applicable ASTM specifications, is appropriately blended, and meets all customer-specific requirements;
 - ii. Contains a policy and objectives that expressly commit the producer or supplier to ensure the quality of the biofuel or biofuel blend produced or supplied;
 - iii. Contains procedures that will be used to determine and document that operational quality requirements are met; and
 - iv. Contains a provision for making, maintaining, and controlling documents and records regarding the QA/QC program.
 - c. A person that submits a manual under subsection (A)(3)(b) shall not produce or supply a biofuel or biofuel blend until the manual is approved by the Director.
 - d. The Director shall approve a manual submitted under subsection (A)(3)(b) only if the Director determines that the QA/QC program sufficiently ensures the quality of a biofuel or biofuel blend produced or supplied.
- B. Specific requirements for producers or suppliers of E85.**
1. The owner or operator of a motor fuel dispensing site at which E85 is dispensed shall ensure that:
 - a. Both the motor fuel dispenser and nozzle from which E85 is dispensed have labels affixed that:
 - i. Indicate E85 is not gasoline,
 - ii. Indicate E85 is intended for use only in a flexible-fuel vehicle, and
 - iii. State "Check your owner's manual to ensure that this fuel can be used in your vehicle," and
 - b. Any motor fuel dispenser from which E85 is dispensed is compatible with E85 and meets the requirements of this Chapter and A.R.S. § 41-2083.
 2. Additional requirement for producing E85 for sale in the CBG-covered area. A producer of E85 for sale in the CBG-covered area shall:
 - a. Use Arizona CBG or AZRBOB and pressurant as needed to meet the hydrocarbon requirement of ASTM D5798, and
 - b. Ensure that the fuel ethanol used meets the standards in this Chapter.
 3. Reporting requirement for a producer of E85. A producer of E85 intended as a final product for the fueling of motor vehicles shall submit the report required under subsection (A)(2) and ensure that the report includes the following information regarding the E85 produced:
 - a. The amount of fuel ethanol used to produce E85 in the previous month.
 - b. The amount of gasoline used to produce E85 in the previous month.
 - c. The total amount of E85 produced during the previous month.
 - d. The following fuel quality properties for the finished E85:
 - i. Appearance.
 - ii. API gravity.
 - iii. Organic chloride.
 - iv. Water content.
 - v. Vapor pressure, and
 - vi. Sulfur content.
 4. Reporting requirement for a supplier of E85. A supplier of E85 intended as a final product for the fueling of motor

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

vehicles shall submit the report required under subsection (A)(2) and ensure that the report includes the following:

- a. The amount of E85 sold during the previous month; and
- b. A certification by the supplier of E85 that the E85 sold, offered for sale, or dispensed was received from or traceable to a person registered with the Department under subsection (A)(1).

5. Quality Assurance and Quality Control (QA/QC) program for a producer of E85. A producer of E85 shall comply with the QA/QC requirements specified in subsection (A)(3). Additionally, the producer shall ensure that the manual submitted to the Director under subsection (A)(3)(b) contains a description of a QA/QC sampling and testing protocol to be implemented at each facility within the person's operation at which E85 is produced. The producer shall ensure that sampling and testing protocol meets the following minimum standards:

- a. All samples of E85 are collected after any applicable blend component is added.
- b. All samples of E85 are collected using approved ASTM methods.
- c. Sampling is done at one of the following rates:
 - i. If E85 is produced in a single storage tank by batch, a rate of at least one sample per tank. For the purpose of this subsection, a storage tank is a stationary tank and does not include a transport trailer;
 - ii. If E85 is blended or transferred into a delivery truck through the use of computer-controlled in-line blending equipment, a rate of at least one sample for every 500 times E85 is blended or transferred or one sample per week, whichever is more frequent;
 - iii. If E85 is blended or transferred into a delivery truck without the use of computer-controlled in-line blending equipment, a rate of at least one sample every 250 times E85 is blended or transferred or two samples per week, whichever is more frequent;
- d. All testing of E85 is conducted using the appropriate ASTM test method outlined in ASTM D 5798.
- e. Test results are used to certify the quality of the E85 produced.
- f. Sample handling and storage procedures are specified, and
- g. Sample retention time-frames are specified.

6. Non-compliant E85. If test results for E85 shipped from a facility indicate that the E85 does not comply with the requirements of this Chapter, the producer of the E85 shall immediately:

- a. Notify the Director of the test results.
- b. Take all reasonable steps to stop the sale of the non-compliant E85, and
- c. Take steps reasonably calculated to determine the cause of the noncompliance and to prevent future occurrences of noncompliance.

C. Specific requirements for producers or suppliers of biodiesel and biodiesel blends.

1. A person shall not sell or offer or expose for sale:
 - a. Neat biodiesel unless the neat biodiesel meets all specifications established by ASTM D6751.
 - b. Diesel fuel containing up to five percent by volume biodiesel unless the diesel fuel meets all specifications established by ASTM D975, and
 - c. A blend containing six percent through 20 percent biodiesel and diesel fuel unless the blend meets all specifications established by ASTM D-7467 D7467.
2. The owner or operator of a motor fuel dispensing site shall ensure that:
 - a. Any motor fuel dispenser from which a biodiesel or biodiesel blend is dispensed:
 - i. Meets the labeling requirements established by A.R.S. § 41-2083(L).
 - ii. Is compatible with biodiesel or biodiesel blend, and
 - iii. Meets all requirements in this Chapter and A.R.S. § 41-2083; and
 - b. Any biodiesel or biodiesel blend sold, offered for sale, or dispensed was received from or traceable to a person registered with the Department under subsection (A)(1).
3. Additional requirement for producing biodiesel or biodiesel blend for sale in the CBG-covered area. A producer of biodiesel or biodiesel blend for sale in the CBG-covered area shall ensure that the diesel fuel used contains no more than 15 ppm of sulfur.
4. Reporting requirement for a producer of a biodiesel or biodiesel blend. A producer of a biodiesel or biodiesel blend intended as a final product for the fueling of motor vehicles shall submit the report required under subsection (A)(2) and ensure that the report includes the following information regarding the biodiesel or biodiesel blend produced:
 - a. The total amount of biodiesel or biodiesel blend produced in the previous month;
 - b. The amount of biodiesel used to produce a biodiesel blend in the previous month;
 - c. The following fuel quality properties, established by ASTM D6751, for the finished biodiesel:
 - i. Flash point;
 - ii. Water sediment;
 - iii. Sulfur content;
 - iv. Cold soak filterability;
 - v. Cloud point;
 - vi. Acid number;

R20-2-719. Requirements for the Sale of Biodiesel Repealed

- A.** A person shall not sell or offer or expose for sale:
1. Biodiesel that is not tested or does not meet the specifications established by ASTM D 6751,
 2. A blend of biodiesel and diesel fuel that is not tested or does not meet the specifications established by ASTM D 975-04e, or
 3. Biodiesel or a blend of biodiesel and diesel fuel for use in Area A that contains sulfur in excess of 15 ppm.
- B.** A person who blends biodiesel that is intended as a final product for the fueling of motor vehicles shall report to the director by the fifteenth day of each month the quantity and quality of biodiesel shipped to or produced in this state during the preceding month. A person who supplies biodiesel subject to this subsection shall report the following by batch:
1. The percentage of biodiesel in a final blend.
 2. The volume of the finished product.
 3. For neat biodiesel, the results of analysis for those parameters established by ASTM D6751.
 4. For biodiesel blended with any diesel fuel, the results of the analysis of the following motor fuel parameters as established by ASTM D975:
 - a. Sulfur content.
 - b. Aromatic hydrocarbon content.
 - c. Cetane number.
 - d. Specific gravity.
 - e. American petroleum institute gravity.
 - f. The temperatures at which ten per cent, fifty per cent and ninety per cent of the diesel fuel boiled off during distillation. A.R.S. § 41-2083(L).
- C.** A person required to submit a report under subsection (B) shall use a form prescribed by the Director, certify the truthfulness and accuracy of the data submitted, and consent to the Department or its authorized agent collecting samples and accessing records as provided in this Article. A corporate officer who is responsible for operations at the facility that produces or ships the final product shall sign the report.
- D.** A person shall label a dispenser at which biodiesel is dispensed in a manner that notifies other persons of the volume percentage of biodiesel in the finished product and with the statement: "This fuel contains biodiesel. Check the owner's manual or with your engine manufacturer before using."

R20-2-749. Definitions Applicable to Arizona CBG and AZRBOB

The following definitions apply only to R20-2-750 through R20-2-762, including Tables A, 1, and 2:

"Designated alternative limit" means a motor fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the Predictive Model Procedures.

"Downstream oxygenate blending" means combining AZRBOB and fuel ethanol to produce fungible Arizona CBG.

"Importer" means any person that assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.

"Oxygenate-blending facility" means any location (including a truck) where fuel ethanol is added to Arizona CBG or AZRBOB and the resulting quality or quantity of Arizona CBG is not altered in any other manner except for the addition of a deposit-control or similar additive registered under 40 CFR 79.

"Oxygenated Arizona CBG" means Arizona CBG with a minimum oxygen content of 3.7 wt. % or another minimum oxygen content approved by the Director under A.R.S. § 41-2124, that is produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles in the CBG-covered area from November 1 through March 31 of each year.

"Performance standard" means the VOC and NOx emission reduction percentages in R20-2-751(A)(8) and Table 1.

"PM" or "Predictive Model Procedures" means the California Predictive Model and CARB's "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995, which is incorporated by reference in R20-2-702.

"PM alternative gasoline formulation" means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.

"PM alternative specifications" means the specifications for the following fuel properties, as determined using a testing methodology in R20-2-759:

Maximum vapor pressure, expressed in the nearest 100th of a pound per square inch;

Maximum sulfur content, expressed in the nearest part per million by weight;

Maximum olefin content, expressed in the nearest 10th of a percent by volume;

Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;

Maximum T50, expressed in the nearest degree Fahrenheit;

Maximum T90, expressed in the nearest degree Fahrenheit; and

Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.

“PM averaging compliance option” means, with reference to a specific fuel property, the compliance option for PM alternative gasoline formulations by which final blends of Arizona CBG and AZRBOB are assigned designated alternative limits under R20-2-751(G), (H), and (I).

“PM averaging limit” means a PM alternative specification that is subject to the PM averaging compliance option.

“PM flat limit” means a PM alternative specification that is subject to the PM flat limit compliance option.

“PM flat limit compliance option” means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for that specified fuel property as contained in the PM alternative specifications.

“Produce” means:

Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB.

If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article, without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.

If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to further process the Arizona CBG or AZRBOB at the refiner’s refinery and be treated as the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona CBG or AZRBOB.

If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production or import facility, and does not alter the quality or quantity of the AZRBOB or the quality or quantity of the resulting Arizona CBG certified by a registered supplier in any other manner except for the addition of a deposit-control or similar additive, the producer or importer of the AZRBOB, rather than the oxygenate blender, is considered the producer or importer of the full volume of the resulting Arizona CBG.

“Registered supplier” means a producer or importer that supplies Arizona CBG or AZRBOB and is registered with the Director under R20-2-750.

“Third-party terminal” means an owner or operator of a gasoline storage tank facility that accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier, oxygenate blender, pipeline, or other third-party terminal and relinquishes custody of the Arizona CBG or AZRBOB to a transporter.

“Type 1 Arizona CBG” means a gasoline that meets the standards contained in R20-2-751(A) and Table 1.

“Type 2 Arizona CBG” means a gasoline that meets the standards contained in Table 2 or is certified using the PM according to the requirements of R20-2-751(G), (H), and (I), and meets the requirements in:

R20-2-751(A) beginning April 1 through October 31 of each year, and

R20-2-751(B) beginning November 1 through March 31 of each year.

“Winter” means November 1 through March 31.

R20-2-751. Arizona CBG Requirements

A. General fuel property and performance requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements and for any fuel property not specified, shall meet the requirements in ASTM ~~D 4814-04a~~ D4814. The dates in this subsection are compliance dates for the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility.

1. Sulfur: ~~80~~ 500 ppm by weight (max).
2. Aromatics: 50 percent by volume (max).
3. Olefins: 25 percent by volume (max).
4. E200: 70-30 percent volume.
5. E300: 100-70 percent volume.
6. Maximum Vapor Pressure vapor pressure.
 - a. ~~October 1 – January 31: 9.0 pounds per square inch (psi) psi;~~
 - b. ~~February: 13.5~~ November 1 - March 31: 9 psi;
 - e. ~~March: 11.5~~ psi
 - ~~d~~c. April: 10.0 psi.

Notices of Proposed Rulemaking

- e.d. May: 9.0 psi;
- f.e. June 1 - September 30: 7.0 psi; for CARB Phase 2 gasoline and 7.2 psi for CARB Phase 3 gasoline
- f. A gasoline ethanol blend in the CBG-covered area is subject to the one pound psi vapor pressure waiver, as described in R20-2-708(B), during April and October only.
- 7. Oxygen and ~~Oxygenates~~ oxygenates.
 - a. Minimum ~~Content~~ content:
 - i. November 1 - ~~January~~ March 31: 10 percent fuel ethanol by volume. If A.R.S. § 41-2124(E) petition in effect: 2.7 percent oxygen by weight as approved by the Director.
 - ii. ~~February~~ April 1 - October 31: 0 percent by weight (any oxygenate).
 - b. The maximum oxygen content shall not exceed ~~3.7~~ 4.0 percent by weight for fuel ethanol and as specified in A.R.S. § 41-2122 for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.
 - c. No change
- 8. Type 1 Arizona CBG shall meet the Federal Complex Model VOC emissions reduction percentage May 1 through September 15: ≥ 27.5 percent (Federal Complex Model settings: Summer, Area Class B, Phase 2). Type 2 Arizona CBG shall meet CARB Phase 2 ~~or Phase 3~~ PM requirements.
- B. Wintertime requirements. In addition to the other requirements of this Article, the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility shall ensure that beginning November 1 through ~~January~~ March 31 of each year, all Arizona CBG meets the following fuel property requirements.
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
- C. Fuel ethanol specifications. A person that uses fuel ethanol as a blending component with AZRBOB or Arizona CBG shall ensure that the fuel ethanol meets the requirements in ASTM ~~D-4806-04a~~ D4806 and the following:
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
 - 1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1 Arizona CBG, Type 2 Arizona CBG, or the PM alternative gasoline formulation requirements and, if the registered supplier will supply Arizona CBG or AZRBOB that complies with the PM alternative gasoline formulation requirements, whether the registered supplier will certify using the CARB Phase 2 ~~or Phase 3~~ model; and
 - 2. No change
- E. Winter elections. Beginning November 1 through ~~January~~ March 31 of each year, a registered supplier shall ensure that all Arizona CBG or AZRBOB complies with Type 2 Arizona CBG requirements or the PM alternative gasoline formulation requirements under Table 2. A registered supplier shall make an initial election, and a subsequent election each time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:
 - 1. No change
 - 2. No change
- F. A registered supplier may elect and produce Type 1 Arizona CBG from December 1 through March 31 but the registered supplier shall not distribute the Arizona CBG to a motor fuel dispensing site within the CBG-covered area before April 1.
- ~~F.G.~~ Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier shall certify Arizona CBG or AZRBOB under R20-2-752 as meeting all requirements of the election made in subsection (D) or (E). For each fuel property, Type 1 Arizona CBG shall comply with the requirements in either column A or columns B through D of Table 1, and shall be certified using the Federal Complex Model, which is incorporated by reference in R20-2-702. For each fuel property, Type 2 Arizona CBG shall comply with the requirements of columns A and B (averaging option), or column C in Table 2. The PM alternative gasoline formulation shall meet the requirements of subsections ~~(G)~~, (H), ~~and (I)~~, and (J), and column A of Table 2. A registered supplier may certify Arizona CBG or AZRBOB using an equivalent test method that the Department approves using the criteria stated in R20-2-759.
- ~~G.H.~~ Certification and use of Predictive Model for alternative PM gasoline formulations.
 - 1. Except as provided in subsections ~~(G)~~(4) (H)(4) and ~~(H)~~ (J), a registered supplier shall use the PM as provided in the

Predictive Model Procedures.

2. No change
 - a. Submitting to the Director a complete copy of the documentation provided to the executive officer of CARB according to 13 California Code of Regulations, Section 2264 and subsection ~~(J)~~ (L); or
 - b. No change
 - i. No change
 - ii. No change
3. A registered supplier shall deliver the certification required under subsection ~~(G)(2)~~ (H)(2) to the Director before transporting the PM alternative gasoline formulation.
4. No change
 - a. A registered supplier shall not make a new election to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation if the registered supplier has an outstanding requirement under subsection ~~(J)~~ (K) to provide offsets for fuel properties at the same production or import facility.
 - b. If a registered supplier elects to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation subject to a PM averaging compliance option for one or more fuel properties, the registered supplier shall not elect any other compliance option, including another PM alternative gasoline formulation, if an outstanding requirement to provide offsets for fuel properties exists under the provisions of subsection ~~(J)~~ (K). This subsection does not preclude a registered supplier from electing another PM alternative gasoline formulation if:
 - i. No change
 - ii. No change
 - iii. No change
 - c. If a registered supplier elects to sell or supply from the registered supplier's production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation, the registered supplier shall not use a previously assigned designated alternative limit for a fuel property to provide offsets under subsection ~~(J)~~ (K).
 - d. No change
 - i. No change
 - ii. No change

~~H.I.~~ No change

1. No change
2. The registered supplier is prohibited by subsection ~~(G)(4)(a)~~ (H)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation,
3. No change
4. No change
 - a. The gasoline exceeds the applicable PM average limit in Table 2, column B, and no designated alternative limit for the fuel property is established for the gasoline in accordance with subsection ~~(G)(2)~~ (H)(2); or
 - b. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection ~~(G)(2)~~ (H)(2), and either the gasoline exceeds the designated alternative limit for the fuel property or the designated alternative limit for the fuel property exceeds the PM averaging limit and the exceedance is not fully offset in accordance with subsection ~~(J)~~ (K).

~~H.J.~~ Oxygen content requirements for PM alternative gasoline formulations. A registered supplier shall ensure that from November 1 through ~~January~~ March 31, all alternative PM gasoline formulations comply with oxygen content requirements for the CBG-covered area. Regardless of the oxygen content, a registered supplier shall certify the final alternative PM gasoline formulation using the PM with a minimum oxygen content of 2.0% percent by weight. A registered supplier may use the CARBOB Model as a substitute for the preparation of a fuel ethanol hand blend and use the fuel qualities calculated under the CARBOB Model for compliance and reporting purposes.

~~J.K.~~ No change

1. No change
2. No change
3. No change

~~K.L.~~ No change

1. In addition to a penalty under R20-2-762, if any, a registered supplier that fails to comply with a requirement of subsection ~~(J)~~ (K) shall meet the applicable per-gallon standards contained in Table 1, Table 2, or an alternative PM gasoline formulation, for a probationary period as follows:
 - a. For a registered supplier that elects to comply with the standards contained in Table 1, the probationary period begins on the first day of the next averaging season and ends on the last day of that averaging season if the conditions of subsection ~~(K)(2)~~ (L)(2) are met;
 - b. For a registered supplier that elects to comply with the standards contained in Table 2 or the PM, the probation-

Notices of Proposed Rulemaking

ary period begins no later than 90 days after the registered supplier determines, or receives a notice from the Director, that the registered supplier did not comply with the requirements of subsection ~~(J)~~ (K). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period. The probationary period ends 90 days after its beginning date.

2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - d. No change
3. If a registered supplier fails to comply with the requirements of subsection ~~(J)~~ (K) within one year of the end of a probationary period under subsection ~~(K)(1)~~ (L)(1), the registered supplier shall comply with applicable per-gallon standards for a subsequent probationary period of two years, or until the conditions in subsection ~~(K)(2)~~ (L)(2) are satisfied, whichever is later.
 - a. No change
 - b. If a registered supplier elects to comply with the Table 2 standards or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives notice from the Director, that the registered supplier did not comply with the requirements of subsection ~~(J)~~ (K). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period.
4. If a registered supplier fails to comply with the requirements of subsection ~~(J)~~ (K) within one year after the end of a probationary period provided under subsection ~~(K)(3)~~ (L)(3), the registered supplier shall permanently comply with applicable per-gallon standards.

~~L-M.~~ No change

~~M-N.~~ No change

~~N-O.~~ Subsequent survey compliance. If the minimum VOC or average NOx emissions reduction percentage has been made more stringent according to subsection ~~(L)~~ (M) or ~~(M)~~ (N) and all emissions reduction surveys for VOC or NOx for two consecutive years show emissions within the applicable adjusted reduction percentage in the CBG-covered area, the applicable VOC or NOx emissions adjusted reduction percentage shall be reduced by an absolute 1.0 percent beginning in the year following the year in which the second compliant survey is conducted. Each emissions reduction percentage adjusted under this subsection shall not be decreased below the following:

1. No change
2. No change

~~O-P.~~ Subsequent survey failures. If a VOC or NOx emissions reduction percentage is made less stringent under subsection ~~(N)~~ (O) and a subsequent VOC or NOx survey shows excess VOC or NOx emissions in the CBG-covered area:

1. No change
2. No change
3. If the VOC or NOx emission reduction percentage is increased under subsection ~~(O)(1)~~ (P)(1) or ~~(O)(2)~~ (P)(2), the VOC or NOx emission reduction percentage shall not be made less stringent regardless of the result of subsequent surveys for VOC or NOx emissions.

~~P-Q.~~ Effective date for adjusted standards. If a performance standard is adjusted by operation of subsection ~~(L)~~; (M), (N), (O), or ~~(O)~~ (P), the effective date for the change is the beginning of the next averaging season for which the standard is applicable.

~~Q.~~ Subsections (A)(6)(a), (b), (c), and (f), (A)(7)(a)(i) and (ii), (A)(8), (B), (D)(2), (E), and (I) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.

R20-2-752. General Requirements for Registered Suppliers

- A. No change
- B. No change
- C. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, RVP vapor pressure, and as applicable, T50, T90, E200, and E300 as determined under R20-2-759.
 2. If Arizona CBG or AZRBOB produced or imported by a registered supplier is not tested and documented as required by this Section, the Director shall deem the Arizona CBG or AZRBOB to have a RVP vapor pressure, sulfur, aro-

matic hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in R20-2-751 or the comparable PM averaging limits, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.

- 3. No change
- D. No change
- E. No change
- F. No change
 - 1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - e. No change
 - 4. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
- G. No change
- H. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. ~~RVP~~ Vapor pressure: 0.3 psi;
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - 2. No change
 - a. No change
 - b. No change

R20-2-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending

- A. No change
 - 1. No change
 - a. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the AZRBOB, for purposes of compliance with Table 2, are deter-

Notices of Proposed Rulemaking

mined by adding the specified amount of fuel ethanol to a representative sample of the AZRBOB and testing the resulting gasoline using the test methods in R20-2-759 or certifying the ARZBOB using the CARBOB model. If the registered supplier designates a range of amounts of fuel ethanol to be added to the AZRBOB, the minimum designated amount of fuel ethanol shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Department shall determine whether the AZRBOB complies with applicable fuel properties and performance standards, excluding requirements for RVP vapor pressure, without adding fuel ethanol to the AZRBOB.

- b. No change
- 2. No change
- B.** No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
- C.** No change
 - 1. No change
 - 2. No change
- D.** Quality assurance sampling and testing requirements for a registered supplier supplying AZRBOB from a production or import facility. A registered supplier supplying AZRBOB from a production or import facility shall use an independent third-party quality assurance sampling and testing program as described in subsection (E) or conduct a quality assurance sampling and testing program that meets the requirements of 40 CFR 80.69(a)(7), as it existed on July 1, 1996, except for the changes listed in subsections (D)(1) through (D)(3). 40 CFR 80.69(a)(7), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328 P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated includes no future editions or amendments.
 - 1. No change
 - 2. No change
 - 3. No change
- E.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. Is conducted from November 1 through ~~January~~ March 31 on all samples collected under the program design previously approved by the Director under subsection (G);
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. Results of the analysis of the samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP vapor pressure, and the calculated VOC or NOx emissions reduction percentage, as applicable;
 - h. No change
 - i. No change
 - j. No change
 - k. No change
- F.** No change
- G.** No change
 - 1. Submit the plan to the Director no later than January 1 to cover the sampling and testing period from November 1

through ~~January~~ March 31 of each year, and

2. No change
- H. No later than September 1 of each year, a registered supplier that intends to meet the requirements in subsection (D) by contracting with an independent third party to conduct quality assurance sampling and testing from November 1 through ~~January~~ March 31 shall enter into the contract and pay all of the money necessary to conduct the sampling and testing program. The registered supplier may pay the money necessary to conduct the sampling and testing program to the third party or to an escrow account with instructions to the escrow agent to release the money to the third party as the testing program is implemented. No later than September 15, the registered supplier shall submit to the Director a copy of the contract with the third party, proof that the money necessary to conduct the sampling and testing program has been paid, and, if applicable, a copy of the escrow agreement.
- I. No change
 1. No change
 2. No change
 3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that blends AZRBOB in a motor fuel delivery truck shall conduct quality assurance sampling and testing that meets the requirements in 40 CFR 80.69(e)(2), as it existed on July 1, 1996, except for the changes listed in subsections (I)(3)(a) through (I)(3)(c). 40 CFR 80.69(e)(2), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, ~~Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328~~ P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated includes no future editions or amendments.
 - a. No change
 - b. No change
 - c. No change
 4. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - c. No change
 5. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - b. No change
 - c. No change
 6. No change
 7. No change
 8. No change
 9. No change
- J. Subsection (A)(1)(a) will not become effective until Arizona's revised State Implementation Plan ~~regarding CARB-3~~ is approved by EPA.

R20-2-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks

- A. No change
 1. The blendstock added to the Arizona CBG meets all of the Arizona CBG standards regardless of the fuel properties and performance standards of the Arizona CBG to which the blendstock is added; ~~and~~
 2. The person meets the requirements in this Article applicable to producers of Arizona CBG; and
 3. The resulting fuel blend is not used within the CBG-covered area.
- B. No change

R20-2-757. Product Transfer Documentation; Records Retention

- A. No change
- ~~1.~~ Name and address of the transferor;
 - ~~2.~~ Name and address of the transferee;
 - ~~3-1.~~ Volume of Arizona CBG or AZRBOB being transferred;
 - ~~4-2.~~ Location of the Arizona CBG or AZRBOB at the time of transfer;
 - ~~5-3.~~ Date of the transfer;
 - ~~6-4.~~ Product transfer document number;
 - ~~7-5.~~ Identification of the gasoline as Arizona CBG or AZRBOB;
 - ~~8-6.~~ Minimum octane rating of the Arizona CBG or AZRBOB;
 - ~~9-7.~~ For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through ~~January~~ March 31, the minimum quantity of fuel ethanol contained in the Arizona CBG; ~~and~~
 - ~~10-8.~~ If the product transferred is AZRBOB for which fuel ethanol blending is intended:
 - a. Identification of the fuel as AZRBOB and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of fuel ethanol";²
 - b. Designation of the AZRBOB as suitable for blending with fuel ethanol;
 - c. Fuel ethanol amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent fuel ethanol and weight percent oxygen content; and
 - d. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for fuel ethanol amount or range of amounts; ~~and~~
 9. The final destination:
 - a. When a terminal is the transferor, the owner or operator of the terminal shall include on the product transfer document the terminal name and address, the transporter name and address, and the final destination, which may be a final distribution facility, jobber, marketer, or motor fuel dispensing site;
 - b. When a transporter is the transferor, the transporter shall include on the product transfer document the name and address of the transporter and the final destination, which is the location at which the motor fuel will be delivered and off loaded from the truck; and
 - c. When a jobber or marketer is the transferor, the jobber or marketer shall include on the product transfer document the name and address of the jobber or marketer and the final destination, which may be a final distribution facility or a motor fuel dispensing site.
- B. To enable a transferor to comply fully with the requirement in subsection (A)(9), the transferee shall supply to the transferor information regarding the final destination.
- ~~B-C.~~ No change
~~C-D.~~ No change
~~D-E.~~ No change
~~E-F.~~ No change
~~F-G.~~ No change
~~G-H.~~ No change

R20-2-759. Testing Methodologies

- A. Except as provided in subsection (C), a registered supplier or importer certifying Arizona CBG or AZRBOB as meeting the requirements of this Article shall use one of the methods listed in Table A. A copy of the EPA- or CARB-approved ASTM methods may be obtained at: ASTM International (formerly American Society for Testing and Materials), 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959. A copy of the CARB methods may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- B. No change
- C. No change
- D. A test method that the Department determines is equivalent to those listed in Table A may be used to certify Arizona CBG or AZRBOB. The Department has determined that test methods approved by either the EPA or CARB are equivalent test methods. To determine whether a proposed test method is equivalent to those listed in Table A, the Department shall thoroughly review data from both the proposed and designated test methods and assess whether the accuracy and precision of the proposed method is equal to or better than the accuracy and precision of the designated method and whether there is significant bias between the two methods. The Department shall approve a proposed test method only if the Department determines that the accuracy and precision of the proposed test method is equal to or better than the accuracy and precision of the designated method and receives the concurrence of the EPA Regional Administrator. A correlation equation may be required to align the two methods. If a correlation equation is required to align the two methods, the correlation equation becomes part of the equivalent method.
- E. Subsections (C) and (D) will not become effective until Arizona's revised State Implementation Plan ~~regarding CARB-3~~ is

approved by EPA.

Table A. Arizona Department of Weights and Measures Test Methods for Arizona CBG and AZRBOB

Fuel Parameter	Units	EPA-approved Test Method	EPA-approved Reproducibility	CARB-approved Test Method	CARB-approved Reproducibility
Aromatics	V%	D 5769-98 <u>D5769-04</u>			
	V%	D 1319-02a ^A <u>D1319-02a (2003)</u> ^A	1.65	D 5580-00	1.4
Benzene	V%	D 3606-99 <u>D3606-99 (2007)</u>	0.21	D 5580-00	0.1409 (X) ^{1.133}
Olefins	V%	D 1319-02a <u>D1319-02a (2003)</u>	0.32 (x) ^{0.5}	D 6550-00 <u>D6550-00 (2005)</u> if correlated to <u>D1319</u>	0.32 (X) ^{0.5} ; Footnote 1
Oxygenates	W%	D 5599-00	See test method	D 4815-99 <u>D4815-99 (2004)</u>	See test method
	W%	D 4815-99 ^B <u>D4815-99 (2004)</u> ^B	See test method		
Vapor Pressure (Correlation Equation) Footnote 2	psi	D 5191-01 <u>D5191-01 (2007)</u>	0.3	13 CCR Section 2297	0.21
Sulfur	wppm	D 2622-98 <u>D2622-98 (2005)</u>		D 5453-93 <u>D5453-93</u>	0.2217 (x) ^{0.92} wppm
				D 2622-94 <u>D2622-94</u> (modified)	10-30 wppm R=0.405 (x) > 30 wppm R =0.192 (x)
Distillation T50	deg F	D 86-01 <u>D86-01 (2007b)</u>	See test method	D 86-99ae1 <u>D86-99ae1</u>	See test method
Distillation T90	deg F	D 86-01 <u>D86-01 (2007b)</u>	See test method	D 86-99ae1 <u>D86-99ae1</u>	See test method

^A A refinery or importer may determine aromatics content using ASTM ~~D 1319-02a~~ D1319-02a (2003) if the result is correlated to ASTM ~~D 5769-98~~ D5769-98 (2004).

^B A refinery or importer may determine oxygenate content using ASTM ~~D 4815-99~~ D4815-99 (2004) if the result is correlated to ASTM ~~D 5599-00~~ D5599-00 (2005).

Footnotes:
 1. Replace the last sentence in ASTM ~~D 6550-00~~ D6550-00 (2005) Section 1.1 with the following: "The application range is from 0.3 to 25 mass percent total olefin, as defined in Section 2263(b), Title 13, California Code of Regulations. If olefin concentrations are not detected, substitute one-half of the detection limit."
 2. When determining RVP vapor pressure, the only correlation equation to be used is the CARB (RVP vapor pressure= (0.972 X Ptot) – 0.715).

R20-2-760. Compliance Surveys

- A.** No change
 - 1. No change
 - 2. No change
- B.** No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. Analyzes each sample included in the compliance survey for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and RVP vapor pressure according to the test methods in R20-2-759. RVP Vapor pressure is required to be analyzed only from May 1 through September 15;
 - 4. No change
 - 5. No change
- D.** No change

Notices of Proposed Rulemaking

- E.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- F.** No change
 - 1. No change
 - 2. No change
- G.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. Includes enough samples to ensure that the average levels of oxygen, RVP vapor pressure, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95% percent confidence level, with error of less than 0.1 psi for RVP vapor pressure, 0.1% percent for oxygen (by weight), 0.5% percent for aromatic hydrocarbons (by volume), 0.5% percent for olefins (by volume), 5°F. for T50 and T90, and 10 wppm for sulfur;
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. Results of the analysis of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP vapor pressure, and the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (A)(1);
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
- H.** No change
- I.** No change
 - 1. No change
 - 2. No change
- J.** No change

Table 1. Type 1 Arizona CBG Standards

~~Table 1 will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.~~

	Non-averaging Option	Averaging Option		
	A	B	C	D
Performance Standard/Fuel Property**	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥ 27.5	≥ 29.0	≥ 25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥ 5.5	≥ 6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - October 31 and February 1 - April 30***	≥ 0.0	N/A	N/A	N/A

Arizona Administrative Register / Secretary of State

Notices of Proposed Rulemaking

Oxygen content: fuel ethanol, (% by weight unless otherwise noted) Nov. 1 - January <u>March</u> 31*** February <u>April</u> 1 - October 31	N/A 0.0*	N/A N/A	N/A 0.0	N/A 3.7
Oxygen content: other than fuel ethanol, (% by weight) Nov. 1 - January <u>March</u> 31*** February <u>April</u> 1 - October 31	N/A 0.0	N/A N/A	N/A 0.0	N/A ****
<p>* Maximum oxygen content shall comply with the EPA oxygenate waiver requirements and with A.R.S. § 41-2122. ** Dates represent compliance dates for the owner of a motor fuel dispensing site or a fleet vehicle fueling facility. *** A registered supplier shall certify all Arizona CBG as Type 2 Arizona CBG meeting the standards in Table 2 beginning November 1 through January <u>March</u> 31. **** As specified in A.R.S. § 41-2122.</p>				

Table 2. Type 2 Arizona CBG Standards

Table 2 will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.

	Averaging Option		Non-averaging Option	
	A	B	C	
Fuel Property	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard * (per gallon maximum)	Units of Standard
Sulfur Content	80/30	30/45	40/20	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290/295	300/305	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200/203	210/213	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0/35	22.0	25.0	% by volume
Oxygen content: fuel ethanol** Nov. 1 - January <u>March</u> 31 February <u>April</u> 1 - October 31 The maximum oxygen content EtOH year around	10% fuel ethanol**	-- --	10% fuel ethanol** 3.7	% by vol. % by weight

* Instead of the standards in columns B and C, a registered supplier may comply with the standards contained in column A, and R20-2-751(F), (G), and (H) for the use of the PM.

** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.

A registered supplier shall certify all Arizona CBG using fuel ethanol as the oxygenate beginning November 1 through ~~January~~ March 31. Alternative fuel ethanol contents not less than 2.7% total oxygen may be used if approved by the Director under A.R.S. § 41-2124(D).

NOTES NOTE: Dates represent compliance dates for the owner of a motor fuel dispensing site or fleet vehicle fuel facility.

Standards shown in the form of x/y denote standards for CARB Phase 2/Phase 3 gasolines.