



NOTICES OF RECODIFICATION

The Office of the Secretary of State will publish a Notice of Recodification in the Register when the Office finds it necessary to recodify a Chapter in order to maintain

the integrity of the codification system or whenever an agency requests, in writing, that an entire Chapter or portion of a Chapter be recodified.

NOTICE OF RECODIFICATION

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

[R16-165]

1. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections being recodified along with their respective headings:

- 20 A.A.C. 2, Article 1. Administration and Procedures
R20-2-101. Definitions
R20-2-102. Metrology Laboratory Testing and Calibration Fees
R20-2-103. Licensing and Fees
R20-2-104. Administrative Enforcement Action
R20-2-105. Repealed
R20-2-106. Repealed
R20-2-107. Repealed
R20-2-108. Time-frames for Licenses, Renewals, and Authorities to Construct
R20-2-109. Administrative Hearing Procedures
R20-2-110. Motion for Rehearing or Review
R20-2-111. Repealed
R20-2-112. Repealed
R20-2-113. Renumbered
R20-2-114. Repealed
R20-2-115. Renumbered
R20-2-116. Renumbered
R20-2-117. Renumbered
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20 A.A.C. 2, Article 2. Commercial Devices
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R20-2-202. Repealed
R20-2-203. Approval, Installation, and Sale of Devices
R20-2-204. Livestock and Vehicle Scale Installation
20 A.A.C. 2, Article 3. Packaging, Labeling and Method of Sale
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R20-2302. Handbook 130 and Handbook 133
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R20-2-304. Repealed
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R20-2-306. Repealed
R20-2-307. Repealed
R20-2-308. Repealed
R20-2-309. Repealed
R20-2-310. Repealed
R20-2-311. Repealed
R20-2-312. Repealed
R20-2-313. Repealed
20 A.A.C. 2, Article 4. Price Verification and Price Posting
R20-2-401. Repealed
R20-2-402. Price-posting Inspection Procedure and Violation Exceptions
R20-2-403. Repealed
R20-2-404. Repealed
R20-2-405. Repealed
R20-2-406. Repealed
R20-2-407. Repealed
R20-2-408. Repealed
R20-2-409. Repealed
R20-2-410. Repealed
R20-2-411. Repealed
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20 A.A.C. 2, Article 5. Public Weighmasters



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R20-2-502. Duties  
R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action  
R20-2-504. Scales and Vehicle Weighing  
R20-2-505. Weight Certificates  
R20-2-506. Seal of Authority  
R20-2-507. Prohibited Acts  
20 A.A.C. 2, Article 6. Registered Service Agencies and Representatives  
R20-2601. Qualifications; License and Renewal Application Process  
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R20-2604. Prohibited Acts  
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20 A.A.C. 2, Article 7. Motor Fuels and Petroleum Products  
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R20-2-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers  
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through  
R20-2-748. Reserved  
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- R20-2-1001. Material Incorporated by Reference
- R20-2-1002. Exemptions
- R20-2-1003. Equipment and Installation
- R20-2-1004. Application Requirements and Process for Authority to Construct Plan Approval
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- R20-2-1009. Recordkeeping and Reporting
- R20-2-1010. Annual Testing and Inspection
- R20-2-1011. Compliance Inspection and Additional Test methods
- R20-2-1012. Enforcement
- R20-2-1013. Stage II Vapor Recovery
- Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

**2. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as recodified along with their respective headings:**

- 3 A.A.C. 7, Article 1. Administration and Procedures
  - R3-7-101. Definitions
  - R3-7-102. Metrology Laboratory Testing and Calibration Fees
  - R3-7-103. Licensing and Fees
  - R3-7-104. Administrative Enforcement Action
  - R3-7-105. Repealed
  - R3-7-106. Repealed
  - R3-7-107. Repealed
  - R3-7-108. Time-frames for Licenses, Renewals, and Authorities to Construct
  - R3-7-109. Administrative Hearing Procedures
  - R3-7-110. Motion for Rehearing or Review
  - R3-7-111. Repealed
  - R3-7-112. Repealed
  - R3-7-113. Renumbered
  - R3-7-114. Repealed
  - R3-7-115. Renumbered
  - R3-7-116. Renumbered
  - R3-7-117. Renumbered
  - Table 1. Time-frames (in days)
- 3 A.A.C. 7, Article 2. Commercial Devices
  - R3-7201. Licensing Process
  - R3-7-202. Repealed
  - R3-7-203. Approval, Installation, and Sale of Devices
  - R3-7-204. Livestock and Vehicle Scale Installation
- 3 A.A.C. 7, Article 3. Packaging, Labeling, and Method of Sale
  - R3-7-301. Repealed
  - R3-7302. Handbook 130 and Handbook 133
  - R3-7-303. Repealed
  - R3-7-304. Repealed
  - R3-7-305. Repealed
  - R3-7-306. Repealed
  - R3-7-307. Repealed
  - R3-7-308. Repealed
  - R3-7-309. Repealed
  - R3-7-310. Repealed
  - R3-7-311. Repealed
  - R3-7-312. Repealed
  - R3-7-313. Repealed
- 3 A.A.C. 7, Article 4. Price Verification and Price Posting
  - R3-7-401. Repealed
  - R3-7-402. Price-posting Inspection Procedure and Violation Exceptions
  - R3-7-403. Repealed
  - R3-7-404. Repealed
  - R3-7-405. Repealed
  - R3-7-406. Repealed
  - R3-7-407. Repealed
  - R3-7-408. Repealed
  - R3-7-409. Repealed
  - R3-7-410. Repealed
  - R3-7-411. Repealed
  - R3-7-412. Repealed
- 3 A.A.C. 7, Article 5. Public Weighmasters
  - R3-7-501. Qualifications; License and Renewal Application Process
  - R3-7-502. Duties
  - R3-7-503. Grounds for Denying License or Renewal; and Disciplinary Action
  - R3-7-504. Scales and Vehicle Weighing
  - R3-7-505. Weight Certificates



R3-7-506. Seal of Authority  
R3-7-507. Prohibited Acts  
3 A.A.C. 7, Article 6. Registered Service Agencies and Representatives  
R3-7601. Qualifications; License and Renewal Application Process  
R3-7602. Duties  
R3-7603. Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment  
R3-7604. Prohibited Acts  
R3-7-605. Material Incorporated by Reference  
3 A.A.C. 7, Article 7. Motor Fuels and Petroleum Products  
R3-7-701. Definitions  
R3-7-702. Material Incorporated by Reference  
R3-7-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers  
R3-7-704. Price and Grade Posting on External Signs  
R3-7-705. Price, Octane, and Lead Substitute Notification on Dispensers  
R3-7-706. Unattended Retail Dispensers  
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R3-7-710. Blending Requirements  
R3-7-711. Alcohol-oxygenated Gasoline Storage Tank Requirements  
R3-7-712. Water in Service Station Motor Fuel Storage Tanks  
R3-7-713. Motor Fuel Storage Tank Labeling  
R3-7-714. Requirements for Motor Fuels Other than Arizona CBG  
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R3-7-719. Repealed  
R3-7-720. Renumbered  
R3-7-721. Renumbered  
R3-7-722. Reserved  
through  
R3-7-748. Reserved  
R3-7-749. Definitions Applicable to Arizona CBG and AZRBOB  
R3-7-750. Registration Relating to Arizona CBG or AZRBOB  
R3-7-751. Arizona CBG Requirements  
R3-7-751.01. Repealed  
R3-7-752. General Requirements for Registered Suppliers  
R3-7-753. General Requirements for Pipelines and Third-party Terminals  
R3-7-754. Downstream Blending Exceptions for Transmix  
R3-7-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending  
R3-7-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks  
R3-7-757. Product Transfer Documentation; Records Retention  
R3-7-758. Repealed  
R3-7-759. Testing Methodologies  
Table A. Arizona Department of Weights and Measures Test Methods for Arizona CBG and AZRBOB  
R3-7-760. Compliance Surveys  
R3-7-761. Liability for Noncompliant Arizona CBG or AZRBOB  
R3-7-762. Penalties  
Table 1. Type 1 Arizona CBG Standards  
Table 2. Type 2 Arizona CBG Standards  
Table 3. Repealed  
3 A.A.C. 7, Article 8. Repealed  
3 A.A.C. 7, Article 9. Gasoline Vapor Control for Sites with both Stage I and Stage II Vapor Recovery Systems  
R3-7-901. Material Incorporated by Reference  
R3-7-902. Exemptions  
R3-7-903. Equipment and Installation  
R3-7-904. Application Requirements and Process for Authority to Construct Plan Approval  
R3-7-905. Initial Inspection and Testing  
R3-7-906. Fee  
R3-7-907. Operation  
R3-7-908. Training and Public Education  
R3-7-909. Recordkeeping and Reporting  
R3-7-910. Annual Inspection and Testing  
R3-7-911. Compliance Inspections  
R3-7-912. Enforcement  
R3-7-913. Stage II Decommissioning  
3 A.A.C. 7, Article 10. Stage I Vapor Recovery Systems  
R3-7-1001. Material Incorporated by Reference  
R3-7-1002. Exemptions  
R3-7-1003. Equipment and Installation  
R3-7-1004. Application Requirements and Process for Authority to Construct Plan Approval  
R3-7-1005. Initial Inspection and Testing  
R3-7-1006. Fee



- R3-7-1007. Operation
- R3-7-1008. Training and Public Education
- R3-7-1009. Recordkeeping and Reporting
- R3-7-1010. Annual Testing and Inspection
- R3-7-1011. Compliance Inspection and Additional Test Methods
- R3-7-1012. Enforcement
- R3-7-1013. Stage II Vapor Recovery

Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

**3. A conversion table between the two numbering schemes:**

Old Numbering Scheme

New Numbering Scheme

Title 20, Chapter 2. Department of Weights and Measures

Title 3, Chapter 7. Department of Agriculture – Weights and Measures Services Division

Title 20, Chapter 2, Article 1. Administration and Procedures

Title 3, Chapter 7, Article 1. Administration and Procedures

R20-2-101

R3-7-101

R20-2-102

R3-7-102

R20-2-103

R3-7-103

R20-2-104

R3-7-104

R20-2-105

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R20-2-108

R3-7-108

R20-2-109

R3-7-109

R20-2-110

R3-7-110

R20-2-111

R3-7-111

R20-2-112

R3-7-112

R20-2-113

R3-7-113

R20-2-114

R3-7-114

R20-2-115

R3-7-115

R20-2-116

R3-7-116

R20-2-117

R3-7-117

Table 1

Table 1

Title 20, Chapter 2, Article 2. Commercial Devices

Title 3, Chapter 7, Article 2. Commercial Devices

R20-2201

R3-7-201

R20-2-202

R3-7-202

R20-2-203

R3-7-203

R20-2-204

R3-7-204

Title 20, Chapter 2, Article 3. Packaging, Labeling and Method of Sale

Title 3, Chapter 7, Article 3. Packaging, Labeling, and Method of Sale

R20-2-301

R3-7-301

R20-2302

R3-7302

R20-2-303

R3-7-303

R20-2-304

R3-7-304

R20-2-305

R3-7-305

R20-2-306

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R20-2-307

R3-7-307

R20-2-308

R3-7-308

R20-2-309

R3-7-309

R20-2-310

R3-7-310

R20-2-311

R3-7-311

R20-2-312

R3-7-312

R20-2-313

R3-7-313

Title 20, Chapter 2, Article 4. Price Verification and Price Posting

Title 3, Chapter 7, Article 4. Price Verification and Price Posting

R20-2-401

R3-7-401

R20-2-402

R3-7-402

R20-2-403

R3-7-403

R20-2-404	R3-7-404
R20-2-405	R3-7-405
R20-2-406	R3-7-406
R20-2-407	R3-7-407
R20-2-408	R3-7-408
R20-2-409	R3-7-409
R20-2-410	R3-7-410
R20-2-411	R3-7-411
R20-2-412	R3-7-412
Title 20, Chapter 2, Article 5. Public Weighmasters	Title 3, Chapter 7, Article 5. Public Weighmasters
R20-2-501	R3-7-501
R20-2-502	R3-7-502
R20-2-503	R3-7-503
R20-2-504	R3-7-504
R20-2-505	R3-7-505
R20-2-506	R3-7-506
R20-2-507	R3-7-507
Title 20, Chapter 2, Article 6. Registered Service Agencies and Representatives	Title 3, Chapter 7, Article 6. Registered Service Agencies and Representatives
R20-2-601	R3-7-601
R20-2-602	R3-7-602
R20-2-603	R3-7-603
R20-2-604	R3-7-604
R20-2-605	R3-7-605
Title 20, Chapter 2, Article 7. Motor Fuels and Petroleum Products	Title 3, Chapter 7, Article 7. Motor Fuels and Petroleum Products
R20-2-701	R3-7-701
R20-2-702	R3-7-702
R20-2-703	R3-7-703
R20-2-704	R3-7-704
R20-2-705	R3-7-705
R20-2-706	R3-7-706
R20-2-707	R3-7-707
R20-2-708	R3-7-708
R20-2-709	R3-7-709
R20-2-710	R3-7-710
R20-2-711	R3-7-711
R20-2-712	R3-7-712
R20-2-713	R3-7-713
R20-2-714	R3-7-714
R20-2-715	R3-7-715
R20-2-716	R3-7-716
R20-2-717	R3-7-717
R20-2-718	R3-7-718
R20-2-719	R3-7-719
R20-2-720	R3-7-720
R20-2-721	R3-7-721
R20-2-722 Reserved	R3-7-722 Reserved
through	through
R20-2-748	R3-7-748
R20-2-749	R3-7-749
R20-2-750	R3-7-750
R20-2-751	R3-7-751
R20-2-751.01	R3-7-751.01
R20-2-752	R3-7-752



R20-2-753	R3-7-753
R20-2-754	R3-7-754
R20-2-755	R3-7-755
R20-2-756	R3-7-756
R20-2-757	R3-7-757
R20-2-758	R3-7-758
R20-2-759	R3-7-759
Table A	Table A
R20-2-760	R3-7-760
R20-2-761	R3-7-761
R20-2-762	R3-7-762
Table 1	Table 1
Table 2	Table 2
Table 3	Table 3
Title 20, Chapter 2, Article 8. Repealed	Title 3, Chapter 7, Article 8. Repealed
Title 20, Chapter 2, Article 9. Gasoline Vapor Control for Sites with both Stage I and Stage II Vapor Recovery Systems	Title 3, Chapter 7, Article 9. Gasoline Vapor Control for Sites with both Stage I and Stage II Vapor Recovery Systems
R20-2-901	R3-7-901
R20-2-902	R3-7-902
R20-2-903	R3-7-903
R20-2-904	R3-7-904
R20-2-905	R3-7-905
R20-2-906	R3-7-906
R20-2-907	R3-7-907
R20-2-908	R3-7-908
R20-2-909	R3-7-909
R20-2-910	R3-7-910
R20-2-911	R3-7-911
R20-2-912	R3-7-912
R20-2-913	R3-7-913
Title 20, Chapter 2, Article 10. Stage I Vapor Recovery Systems	Title 3, Chapter 7, Article 10. Stage I Vapor Recovery Systems
R20-2-1001	R3-7-1001
R20-2-1002	R3-7-1002
R20-2-1003	R3-7-1003
R20-2-1004	R3-7-1004
R20-2-1005	R3-7-1005
R20-2-1006	R3-7-1006
R20-2-1007	R3-7-1007
R20-2-1008	R3-7-1008
R20-2-1009	R3-7-1009
R20-2-1010	R3-7-1010
R20-2-1011	R3-7-1011
R20-2-1012	R3-7-1012
R20-2-1013	R3-7-1013
Table 1	Table 1

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

Name: Michelle Wilson  
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**5. Changes to Section References under A.A.C. R-1-1001(C):**

**ARTICLE 1. ADMINISTRATION AND PROCEDURES**

**~~R20-2-101~~ R3-7-101. Definitions**

The definitions in A.R.S. §§ 41-2051, 41-2065, 41-2085, 41-2121, and 41-2131 and the following definitions apply to this Chapter:



1. “ADEQ” means the Arizona Department of Environmental Quality.
2. “Administrative order” means a corrective action notice that the Department issues for a violation of A.R.S. Title 41, Chapter 15, or this Chapter, that orders a person to:
  - a. Remove from use or sale, or dispose of, a commercial device, commodity, or liquid fuel;
  - b. Stop selling a commodity or liquid fuel until the person provides documentation to the Department that the weight, measure, fuel quality, or price posting complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - c. Stop using a commercial device, commodity, liquid fuel, vapor recovery system, or vapor recovery system component, until the person provides documentation to the Department that the weight, measure, fuel, vapor recovery system, or component complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - d. Stop performing weighmaster, deputy weighmaster, registered service agency, or registered service representative licensed duties until the person provides documentation to the Department that the person is complying with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
  - e. Maintain labeling, policies, and cash register indicator displays according to A.R.S. Title 41, Chapter 15, and this Chapter;
  - f. Stop constructing or modifying a vapor recovery system until the person complies with A.R.S. Title 41, Chapter 15, and this Chapter;
  - g. Excavate a vapor recovery site according to ~~R20-2-104(L)~~ R3-7-104(L);
  - h. Comply with scheduling a test according to ~~R20-2-104(L)~~ R3-7-104(L); or
  - i. Retake a competency examination under A.R.S. § 41-2094.
3. “Application” means, for purposes of ~~R20-2-108~~ R3-7-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. “ASTM” means American Society for Testing and Materials.
5. “Area A” has the same meaning as in A.R.S. § 49-541.
6. “Area B” has the same meaning as in A.R.S. § 49-541.
7. “CARB” means the California Air Resources Board.
8. “CARB certified” means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
9. “Certified prover” means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
10. “Completion of construction” means the point when a gasoline dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
11. “Construction commenced” means the point in time when construction of a gasoline dispensing site begins:
  - a. At a location where there was not one previously;
  - b. To replace all gasoline storage tanks; or
  - c. To replace, repair, or modify at least 75% of the facility’s gasoline dispensing equipment.
12. “EPA” means the United States Environmental Protection Agency.
13. “Gasoline vapors” means volatile organic compounds in a gaseous state.
14. “Handbook 44” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2010 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
15. “Handbook 112” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 112, *Examination Procedure Outlines for Commercial Weighing and Measuring Devices*, Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2002 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
16. “Handbook 130” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, *Uniform Laws and Regulations*, Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2009 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
17. “Handbook 133” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, *Checking The Net Contents of Packaged Goods*, Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (January 2005 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions and amendments.
18. “NCWM” means the National Conference on Weights and Measures.
19. “Malfunction” means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
20. “Modification” means adding to, replacing, or upgrading a site’s stage II vapor recovery system, but does not include the repair or replacement of like parts.
21. “Monthly throughput” means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during one calendar month.
22. “Motor vehicle” means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
23. “NIST” means the National Institute of Standards and Technology.
24. “Operator” means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
25. “Out-of-service tag” means a red rejection tag that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, or this Chapter.
26. “Person” as defined in A.R.S. § 41-2051, means an owner or operator of a commercial device or vapor recovery system, retail seller, wholesaler, registered supplier, pipeline distributor, packer, manufacturer, licensee, transporter, or consignee.
27. “Placed in service” means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
28. “Placed-in-service report” means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
29. “Product transfer document” means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.



- 30. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
- 31. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
- 32. "Seizure" means taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, commercial device, or component of a device by the Department.
- 33. "Stop-sale, stop-use tag" means a blue tag or blue tape that signifies that a commercial device, including a vapor recovery system or vapor recovery component, or a commodity or liquid fuel, does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 130, Handbook 133, CARB Executive Orders, or this Chapter.
- 34. "Third-party registered service agency" means a registered service agency that performs work under contract for any business or company.
- 35. "Underground storage tank" means a tank as described in A.R.S. § 491001(18).
- 36. "Unit" means a quantity adopted as a standard of measurement.
- 37. "Vapor recovery registered service representative No. 1" means an individual to whom the Department has issued a license authorizing the individual to conduct all vapor-recovery tests required under A.R.S. Title 41, Chapter 15 or this Chapter including annual vapor-recovery tests.
- 38. "Vapor recovery registered service representative No. 2" means an individual to whom the Department has issued a license authorizing the individual to conduct the specific vapor-recovery tests necessary to determine whether equipment on which the individual performed maintenance or repairs is operating properly.
- 39. "Warning tag" means a yellow tag that signifies a commercial device, vapor recovery system, or vapor recovery component does not comply with A.R.S. Title 41, Chapter 15, Handbook 44, CARB Executive Orders, or this Chapter.
- 40. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

**~~R20-2-104~~ R3-7-104. Administrative Enforcement Action**

- A. The Department shall take progressive enforcement action for a violation of A.R.S. Title 41, Chapter 15, CARB Executive Orders, Handbook 44, Handbook 130, Handbook 133, or this Chapter.
- B. The Department shall provide a copy of its inspection report to the person who owns or operates a location that the Department inspects. The report shall include the inspection results, violations, and enforcement action.
- C. The person who owns or operates a location inspected by the Department may request a hearing under ~~R20-2-109~~ R3-7-109 to dispute the inspection results, violation, or enforcement action.
- D. The Department shall suspend, revoke, or refuse to renew any license if the licensee does not comply with an enforcement action imposed under this Section.
- E. A maximum civil penalty may be doubled as stated in A.R.S. § 41-2115(B).
- F. Commercial device.
  - 1. The Department shall place out of service an unlicensed commercial device that it determines has been in use for more than 30 days.
  - 2. The Department shall confiscate a commercial device when a person violates an administrative order related to that commercial device, or removes a warning tag, out-of-service tag, or stop-sale, stop-use tag issued to that commercial device without Department authority.
  - 3. The Department shall issue an out-of-service tag or a stop-sale, stop-use tag if a commercial device is not in compliance with the requirements in Handbook 44 and the lack of compliance creates a situation favorable to the person who owns or operates the commercial device.
    - a. A person shall not use a commercial device that has an out-of-service tag until the person repairs the commercial device.
    - b. A person shall not sell or use a commercial device that has a stop-sale, stop-use tag until the commercial device meets the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, and this Chapter.
  - 4. The Department shall issue a warning tag when a commercial device is not in compliance with the requirements in Handbook 44 and the lack of compliance creates a situation favorable to the public. The Department shall issue an out-of-service tag if the commercial device is not repaired by the deadline on the warning tag. A person shall not use a commercial device after the period specified on the warning tag for repair unless the commercial device complies with A.R.S. Title 41, Chapter 15, Handbook 44, and this Chapter.
  - 5. The Department shall issue an out-of-service tag if a commercial device does not have a non-tampering seal affixed.
  - 6. The Department shall issue an out-of-service tag if a Department inspector cannot conduct an inspection of a commercial device because of a potential safety risk that the person who owns or operates the commercial device does not correct within 30 minutes of the attempted inspection.
  - 7. The Department shall issue an out-of-service tag if a commercial device cannot begin weighing, measuring, metering, or counting at zero.
  - 8. The Department shall issue a warning tag if the manufacturer's plate on a commercial device does not contain the information required by Handbook 44, is missing, or is unreadable. The Department shall issue an out-of-service tag if the person who owns or operates a commercial device does not obtain a compliant manufacturer's plate by the 30-day deadline imposed on the warning tag.
  - 9. The Department shall issue a warning tag to a person who did not construct a large-scale approach according to Handbook 44. The Department shall issue a stop-sale, stop-use tag if the large-scale approach is not made compliant by the deadline imposed on the warning tag.
  - 10. In addition to any enforcement action under subsections (F)(1) through (9):
    - a. If the Department finds during an inspection that a commercial device does not comply with the requirements of A.R.S. Title 41, Chapter 15, or this Chapter and the lack of compliance favors the owner or operator of the commercial device:
      - i. The Department shall impose a \$300 civil penalty on the person who owns or operates the commercial device; and
      - ii. The Department shall impose a \$500 civil penalty on the person who owns or operates the commercial device for each reinspection until the commercial device is in compliance.
    - b. If the Department finds during an inspection that a person who weighs a product on a commercial device violates Handbook 44 or does not post rates according to Handbook 44 or this Chapter:
      - i. The Department shall issue an administrative order to the person at the conclusion of the inspection and impose a \$300 civil penalty; and



- ii. The Department shall issue an administrative order to the person and impose a \$500 civil penalty at each reinspection until the person complies with Handbook 44 and this Chapter.
- G. Public and deputy weighmaster.**
- The Department shall issue an administrative order if a public weighmaster's:
    - Weigh tickets are not in numbered sequence or are missing,
    - Seal or press is not readable, or
    - Records are not maintained according to ~~R20-2-505~~ R3-7-505.
  - The Department shall issue an administrative order and impose a \$500 civil penalty on a public weighmaster if:
    - The public weighmaster's weigh tickets contain inaccurate information,
    - The public weighmaster violates an administrative order, or
    - The public weighmaster misuses a seal or press or has an unauthorized seal or press.
  - The Department shall confiscate a seal or press if a public weighmaster violates an administrative order issued to the public weighmaster.
  - The Department shall suspend, revoke, or refuse to renew a license if a public weighmaster does not comply with an enforcement action under this Section.
  - The Department shall issue an administrative order to a person who performs public weighmaster duties without a license.
  - If a public weighmaster permits an unlicensed person to perform deputy weighmaster duties, the Department shall:
    - Impose a \$300 civil penalty on the public weighmaster for the first time the public weighmaster permits an unlicensed person to perform deputy weighmaster duties;
    - Impose a \$500 civil penalty on a public weighmaster for the second time the public weighmaster permits an unlicensed person to perform deputy weighmaster duties; and
    - Confiscate the public weighmaster's records, equipment, and devices if the public weighmaster permits an unlicensed person to perform deputy weighmaster duties more than twice.
- H. Package.**
- The Department shall issue an administrative order to an owner or an employee of the owner where a package inspection is held if a package is not in compliance with a requirement in Handbook 130 or Handbook 133. The person to whom the administrative order is issued shall correct the package violation by:
    - Returning the package to the packer or manufacturer,
    - Labeling the package to reflect its correct quantity,
    - Placing a notice on the package that states the violation and pricing the package to reflect its correct quantity, or
    - Repackaging the commodity so the package contains the quantity represented.
  - In addition to an administrative order, the Department shall impose a \$500 civil penalty per lot on a person who violates a requirement in Handbook 130 or Handbook 133.
- I. Price verification.**
- The initial inspection of a retail location for price verification is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
  - The Department shall issue a stop-sale, stop-use tag to a person who fails a price verification reinspection if the violation cannot be corrected within 30 minutes of the Department completing the reinspection.
    - The Department shall impose a \$100 civil penalty per violation on a person who fails a reinspection if the Department finds more than one item at more than its posted price.
    - The Department shall impose a \$200 civil penalty per violation on a person who fails a second reinspection. The Department shall increase the per violation civil penalty imposed by \$100 for each subsequent reinspection until the violation is corrected.
  - If the Department receives and substantiates a complaint about a person against whom the Department took an administrative enforcement action under subsection (I)(2) within the 60 days before the date of the complaint, the Department shall issue a stop-sale, stop-use tag and impose a civil penalty that is \$100 more than the civil penalty that the Department previously imposed against this person.
  - The Department shall issue a warning to a person who does not have a written price-error policy. The Department shall impose a \$500 civil penalty if the person does not have a written price-error policy upon reinspection.
  - The Department shall issue a warning to a person who does not have a price display visible to the public at a check-out location. The Department shall issue an out-of-service tag if the person does not have a price display visible to the public at a check-out location upon reinspection.
- J. Price posting.**
- The initial inspection of a retail location for price posting is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
  - The Department shall issue a stop-sale, stop-use tag to a person who fails a price posting reinspection if the violation cannot be corrected within 30 minutes of the Department completing the reinspection.
  - The Department shall impose a \$50 civil penalty for each inspected lot not priced if a person fails a reinspection with a score of less than 96 percent.
  - The Department shall impose a \$100 civil penalty for each inspected lot not priced if a person fails a second reinspection.
  - If the Department receives and substantiates a complaint about a person against whom the Department took an administrative enforcement action under subsection (J)(2) within the 60 days before the date of the complaint, the Department shall issue a stop-sale, stop-use tag and impose a civil penalty that is \$100 more than the civil penalty that the Department previously imposed against this person.
- K. Fuel quality and labeling.**
- The Department shall issue a warning tag to a person whose fuel dispenser labeling violates A.R.S. Title 41, Chapter 15, or this Chapter. The Department shall issue an out-of-service tag to the person if the person does not correct the fuel dispenser labeling violation within the time specified on the warning tag.
  - The Department shall issue an administrative order to a person whose fuel storage tank labeling or external street signage violates A.R.S. Title 41, Chapter 15, or this Chapter. The Department shall impose a \$300 civil penalty if the person does not correct the labeling or signage violation within the time specified in the administrative order.
  - The Department shall issue an administrative order and impose a \$500 per octane level civil penalty to a person who violates a fuel-quality requirement under A.R.S. Title 41, Chapter 15, or this Chapter. The person shall correct the violation by:
    - Removing non-compliant motor fuel from the storage tank and replacing it with compliant motor fuel,



- b. Selling the motor fuel at the correct octane level,
  - c. Adding sufficient compliant motor fuel to the storage tank to bring the motor fuel in the storage tank into compliance,
  - d. Removing all water from the storage tank, or
  - e. Removing the non-compliant motor fuel to another area within the state if the motor fuel complies with specifications of that area.
4. The Department shall issue an administrative order to a person who does not provide requested product transfer documentation within 24 hours of the Department's request. The Department shall impose a \$300 civil penalty on a person who provides the requested documentation between 24 and 72 hours. The Department shall impose a \$500 civil penalty on a person who does not provide the requested documentation within 72 hours.
- L. Vapor recovery.**
- 1. The Department shall issue an administrative order to stop construction at a vapor recovery site and impose a \$500 civil penalty on a person who:
    - a. Begins construction or makes a major modification without an authority to construct plan approval,
    - b. Does not comply with the authority to construct plan approval, or
    - c. Does not obtain an approved change order for construction or major modification of the vapor recovery site unless:
      - i. The vapor recovery system and its components comply with A.R.S. Title 41, Chapter 15, and this Chapter; and
      - ii. The vapor recovery system passes the required vapor recovery tests according to A.R.S. Title 41, Chapter 15, and this Chapter.
  - 2. The Department shall issue an administrative order requiring a person to excavate a vapor recovery site if the person covers a vapor recovery component before a Department pre-burial inspection and shall impose a \$500 civil penalty if the excavated system does not pass required vapor recovery tests according to A.R.S. Title 41, Chapter 15, and this Chapter.
  - 3. The Department shall issue an administrative order if a person fails to ensure that a vapor recovery site passes an initial test within 90 days of being opened or passes an annual test within the designated test month. The Department shall issue a stop-sale, stop-use tag if the person does not comply with the administrative order.
  - 4. The Department shall impose a \$100 civil penalty on a person who does not have an authority to construct plan approval available for inspection at the construction site during normal business hours.
  - 5. The Department shall issue a warning tag to a person whose vapor recovery system labeling does not comply with the authority to construct plan approval. The Department shall issue a stop-sale, stop-use tag and impose a \$500 civil penalty on a person who does not correct a labeling violation within the time specified on a warning tag.
  - 6. The Department shall issue a stop-sale, stop-use tag to a person whose vapor recovery system fails a test under ~~R20-2-905~~ R3-7-905 or ~~R20-2-910~~ R3-7-910. If the test failure is isolated to a system component, the Department's stop-sale, stop-use tag shall pertain to that component so the rest of the system may operate.
  - 7. The Department shall impose a \$500 civil penalty and issue another stop-sale, stop-use tag to a person who violates a stop-sale, stop-use tag. The Department shall impose a \$500 civil penalty and revoke, suspend, or refuse to renew a commercial device license if a person removes a stop-sale, stop-use tag without approval.
- M. Registered service agency and registered service representative.**
- 1. If a registered service agency submits to the Department an inaccurate or incomplete placed-in-service or test report, the Department shall:
    - a. Return the inaccurate or incomplete placed-in-service or test report to the agency for correction, and
    - b. Impose a \$50 civil penalty on the agency each time the agency resubmits a placed-in-service or test report without making all needed corrections.
  - 2. The Department shall impose a \$300 civil penalty on a registered service representative who incorrectly:
    - a. Installs a commercial device,
    - b. Repairs a commercial device,
    - c. Tests a vapor recovery system, or
    - d. Repairs a vapor recovery system.
  - 3. If an unlicensed person represents itself as a registered service agency, the Department shall:
    - a. Issue an administrative order,
    - b. Impose a \$500 civil penalty and confiscate the unlicensed person's calibration standards if the unlicensed person violates the administrative order, and
    - c. Deny a registered service agency license to the unlicensed person if the unlicensed person fails to comply with the enforcement action under this subsection.
  - 4. The Department shall issue an administrative order to an unlicensed person who performs the duties of a registered service representative. The Department shall impose a \$300 civil penalty on the registered service agency for which the unlicensed individual works.
  - 5. The Department shall issue an administrative order if a registered service representative places a commercial device into service without Department authorization. The Department shall impose a \$500 civil penalty on the registered service agency whose representative places a commercial device into service without Department authorization.
  - 6. The Department shall impose a \$500 civil penalty on a registered service agency whose registered service representative uses a metrology standard or vapor recovery air-to-liquid (A/L) ratio testing equipment that is not certified according to this Chapter. The Department shall confiscate a metrology standard or A/L ratio testing equipment if a registered service representative uses the uncertified standard or equipment after the registered service agency is penalized. The Department shall return the standard or equipment when it is properly certified.
  - 7. The Department shall issue an administrative order to a vapor recovery registered service agency or person who owns a vapor recovery system that does not, according to A.R.S. Title 41, Chapter 15, and this Chapter:
    - a. Notify the Department of a test date and time,
    - b. Begin a test at the approved time,
    - c. Appear for a witnessed test,
    - d. Close a vapor recovery system for repairs if the system fails, or
    - e. Perform a test.
  - 8. The Department shall impose a \$300 civil penalty on a vapor recovery registered service agency that violates subsection (M)(7) twice in 12 months.
  - 9. If a registered service agency's registered service representative does not attach a non-tampering seal on a commercial device that is equipped for a seal, the Department shall:



- a. Impose a \$300 civil penalty on the registered service agency for the first violation, and
- b. Impose a \$500 civil penalty on the registered service agency for each subsequent violation by the registered service representative.
- 10. If a registered service representative determines that a vapor recovery system or component is not in compliance with A.R.S. Title 41, Chapter 15, or this Chapter, the registered service representative shall:
  - a. Secure the non-compliant vapor recovery system or component from use before the registered service representative leaves the vapor recovery site or until the system or component passes the tests required by ~~R20-2-910~~ R3-7-910;
  - b. Notify the Department of the secured, non-compliant vapor recovery system or component before leaving the vapor recovery site; and
  - c. Notify the Department of the time of the test required by ~~R20-2-910~~ R3-7-910 by 6:00 a.m. of the day after the non-compliant vapor recovery system or component is secured or one hour before the test, whichever is sooner.
- 11. If a registered service representative fails to comply with subsection (M)(10)(b) or (c), the Department shall:
  - a. Impose a \$300 civil penalty on the registered service representative;
  - b. Issue an administrative order, if the registered service representative is penalized under this subsection three times in 12 months, requiring the registered service representative to take and pass the licensing competency examination; and
  - c. Suspend or revoke the license of the registered service agency employing the registered service representative if the registered service representative does not comply with an order issued under subsection (M)(11)(b).

**Table 1. Time-frames (in days)**

Type of License	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information	Overall Time-frame
Commercial Device <del>R20-2-201</del> <u>R3-7-201</u>	10	20	30	20	40
Public Weighmaster <del>R20-2-501</del> <u>R3-7-501</u>	10	20	30	20	40
Registered Service Agency/Representative <del>R20-2-601</del> <u>R3-7-601</u>	10	20	30	20	40
Authority to Construct <del>R20-2-904</del> <u>R3-7-904</u>	10	20	30	20	40

**ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES**

**~~R20-2-601~~ R3-7-601. Qualifications; License and Renewal Application Process**

- A. Registered service agency.
  - 1. To obtain a license as a registered service agency, an applicant shall provide evidence that:
    - a. The applicant’s registered service representative has a thorough knowledge of all appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter;
    - b. The applicant provided its representative with a copy of the portions of A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter relating to registered service representative duties;
    - c. The applicant:
      - i. Possesses the necessary certified standards and testing equipment to service commercial devices; and
      - ii. Possesses the necessary test equipment calibrated annually by the equipment manufacturer to perform an air to liquid (A/L) test of a vapor recovery system or vapor recovery component properly; or
      - iii. Has access to the necessary standards and testing equipment belonging to another registered service agency and has written approval from that agency to use its standards and testing equipment; and
    - d. The applicant shall ensure that its registered service representative operates the equipment according to A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter.
  - 2. The Department shall not issue a registered service agency license until at least one of the applicant’s employees passes a registered service representative competency exam.
  - 3. An applicant for a registered service agency license shall submit an application form, obtained from the Department that provides:
    - a. Name, address, telephone number, electronic mail address, and facsimile number;
    - b. License information from other states;
    - c. Types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
    - d. A list of all of the applicant’s devices and testing equipment with corresponding serial or identification numbers;
    - e. Branch office information;
    - f. Names of registered service representatives and their experience with other registered service agencies or states;
    - g. License and disciplinary history; and
    - h. Applicant’s signature.
- B. Third-party registered service agency. In addition to complying with the requirements in subsection (A), a third-party registered service agency shall provide the Department with evidence that the third-party registered service agency:
  - 1. Holds a valid license issued by the Arizona Registrar of Contractors,
  - 2. Complies with workers’ compensation insurance laws, and
  - 3. Maintains liability insurance sufficient to cover the value of work to be performed.
- C. Registered service representative.
  - 1. To obtain a license as a registered service representative, an applicant shall provide evidence that:
    - a. The applicant has a thorough knowledge of all appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter;



- b. The applicant possesses the necessary training or experience regarding appropriate standards and testing equipment to service the specific commercial device, vapor recovery system, or vapor recovery system component indicated on the application;
- c. The applicant will operate according to appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders; and this Chapter; and
- d. The applicant has passed the competency examination specified in subsection (D).
- 2. An applicant for a registered service representative license shall submit an application on a form obtained from the Department that provides:
  - a. Name, address, telephone number, and facsimile number;
  - b. License information from other states;
  - c. An indication of whether the applicant is applying to be a registered service representative, vapor recovery service representative No. 1, or vapor recovery service representative No. 2;
  - d. Types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
  - e. Work experience with other registered service agencies in Arizona or other states;
  - f. License and disciplinary history; and
  - g. Applicant's signature.
- 3. An applicant for a vapor recovery registered service representative No. 1 license shall maintain and make available to the Department upon request evidence of being:
  - a. Certified by the manufacturer to test or repair all vapor recovery systems and components, or
  - b. Determined qualified by the Department to test or repair all vapor recovery systems and components.
- D. Competency examination. Before being issued a registered service representative license, an applicant shall pass a Department-administered competency examination.
  - 1. An applicant for a vapor recovery registered service representative license shall complete the Department's training class before taking the competency examination.
  - 2. An applicant shall bring a copy of Handbook 44 and Handbook 112 to the examination site.
  - 3. An applicant shall complete the competency examination within the time specified by the Department.
  - 4. The Department shall not allow an applicant to take the competency examination more than two times in six months.
- E. As required under A.R.S. § 41-2094(G), the Department shall specify on a registered service representative license the devices that the registered service representative may service, repair, or install or the vapor recovery systems or components that the vapor recovery registered service representative may test or repair. A registered service representative shall perform only the services approved by the Department for the registered service representative.
- F. Renewal of a registered service representative license. Under A.R.S. § 41-2094(D), a registered service representative license is valid for 12 months and expires unless renewed. To renew a registered service representative license, the registered service agency employing the registered service representative shall comply with ~~R20-2-603(E)~~ R3-7-603(E). Before complying with ~~R20-2-603(E)~~ R3-7-603(E), the registered service agency shall ensure that:
  - 1. A vapor recovery registered service representative No. 1 or 2 completes the Department's training class, and
  - 2. A vapor recovery registered service representative takes and passes the Department's written vapor recovery competency examination as follows:
    - a. A vapor recovery service representative No. 1 shall pass the vapor recovery competency examination annually, and
    - b. A vapor recovery service representative No. 2 shall pass the vapor recovery competency examination biennially.
- G. The Department does not charge a fee to process a change in business name or address.

**~~R20-2-602~~ R3-7-602. Duties**

- A. Registered service agency.
  - 1. A registered service agency shall:
    - a. Maintain all equipment used for commercial device certification according to standards traceable to NIST, and
    - b. Maintain and use equipment for testing vapor recovery systems and vapor recovery system components according to this Chapter and manufacturer specifications.
  - 2. When a registered service agency restores or newly places in service a commercial device, the registered service agency shall complete a placed-in-service report form prescribed by the Department.
    - a. The registered service agency shall complete the placed-in-service report in triplicate;
    - b. Within seven calendar days after the commercial device is restored to service or newly placed in service, the registered service agency shall mail the original of the properly completed and signed placed-in-service report to the Department;
    - c. The registered service agency shall give a copy of the placed-in-service report to the person who owns or operates the commercial device;
    - d. The registered service agency shall retain a copy of the placed-in-service report or any required vapor recovery report for one year;
    - e. The registered service agency shall ensure that the placed-in-service report contains the assigned license number of the registered service representative who completes the report;
    - f. The registered service agency shall ensure that the placed-in-service report is completed and signed by the registered service representative noting each rejected commercial device restored to service and each newly installed commercial device placed in service;
    - g. The registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each standard used by the registered service representative to calibrate the commercial device for each rejected device restored to service and for each newly installed device placed in service; and
    - h. The registered service agency shall ensure that the placed-in-service report includes the license number of the registered service representative who installs or repairs the commercial device.
  - 3. A registered service agency shall have all equipment used for commercial device certification and A/L testing certified annually by the manufacturer.
  - 4. A registered service agency shall not use new equipment for commercial device certification until it is certified by a NIST-traceable laboratory.
  - 5. A registered service agency shall ensure that employees do not perform registered service representative duties until licensed. A registered service agency may train an employee in registered service representative duties only if the employee is within the direct line of sight and hearing of a supervising licensed registered service representative.



6. A registered service agency shall use a form approved by the Department to record vapor recovery test results and violations. The registered service agency shall submit to the Department the summary test report within 24 hours following the test. All other forms relating to the test shall be mailed within seven days after completion of the test.
  7. A registered service agency shall ensure that its registered service representative provides a copy of the Regulatory Bill of Rights, defined in A.R.S. § 41-1001.01, to the owner or operator of a vapor recovery system before beginning a vapor recovery test that is not witnessed by the Department.
  8. A registered service agency shall ensure that its registered service representative provides a vapor recovery system owner or operator with written test preparation instructions, approved by the Department, at least 10 business days before an initial or annual test.
- B. Registered service representative.**
1. A registered service representative shall:
    - a. Install only commercial devices that meet the requirements of this Chapter;
    - b. Perform all vapor recovery tests according to this Chapter;
    - c. Perform all appropriate tests when repairing a commercial device or repairing or replacing a vapor recovery system or component to ensure that the requirements of A.R.S. Title 41, Chapter 15, this Chapter, Handbook 44, Handbook 112, and CARB Executive Orders are met;
    - d. Report to the user equipment or commercial devices that do not conform to NIST standards; and
    - e. Complete placed-in-service reports accurately.
  2. If a vapor recovery registered service representative cannot correct a violation and has to leave the vapor recovery site, the registered service representative shall secure the non-compliant vapor recovery system or component from commercial use. The non-compliant system or component shall not be used for commercial purposes until it is repaired and passes the test required by ~~R20-2-910~~ R3-7-910. The registered service representative shall notify the Department of the stop-sale, stop-use by 6:00 a.m. of the day after the non-compliant vapor recovery system or component is secured or one hour before the test, whichever is sooner, so that the Department can witness the test.

## ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

### ~~R20-2-701~~ R3-7-701. Definitions

In addition to the definitions in ~~R20-2-101~~ R3-7-101, 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(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 is produced from nonpetroleum renewable resources as defined by the United States environmental protection agency and meets the registration requirements for fuels and fuel additives established by the United States environmental protection agency pursuant to § 211 of the clean air act as defined in section 49-401.01. A.R.S. § 41-2051

“Biodiesel blend” means a motor fuel that is comprised of biodiesel and diesel fuel and that is designated by the letter “B,” followed by the numeric value of the volume percentage of biodiesel in the blend. A.R.S. § 41-2051

“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 some engines designed to run on conventional diesel fuel, and

Is derived from nonpetroleum 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 nonpetroleum 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 “C” and a numeric value indicating the volume percentage of biofuel in the blend.

“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.

“BQ9000” means the cooperative and voluntary program, implemented by the National Biodiesel Accreditation Commission, to accredit 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 Model” means the procedures incorporated by reference in ~~R20-2-702(11)~~ R3-7-702(11).

“CARB Phase 2 gasoline” means gasoline that meets the specifications incorporated by reference in ~~R20-2-702(8)~~ R3-7-702(8).



“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.

“Diesel” or “diesel fuel” means a refined middle distillate that is used as a fuel in a compression-ignition internal combustion engine and that meets the specifications of ASTM D975. A.R.S. § 41-2051

“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 D5798, which is incorporated by reference in ~~R20-2-702~~ R3-7-702.

“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~~ R3-7-702.

“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 D4806, which is incorporated by reference in ~~R20-2-702~~ R3-7-702.

“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.

“Jobber” means a person that distributes a motor fuel from a bulk storage plant to the owner or operator of a UST or 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, which are not currently available on the retail market, for an automotive manufacturer.

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

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

“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)~~ R3-7-751(A)(1) through (7), ~~R20-2-751(B)(1)~~ R3-7-751(B)(1) through (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 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 pure or 100 percent; not blended with motor fuel.

“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 D2699 and ASTM 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 United States environmental protection agency pursuant to 42 United States Code §7545(f). A.R.S. § 41-2121

“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.

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

“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 nonpetroleum 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 nonpetroleum 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.

“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.

“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.

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

“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 an owner or operator of a motor fuel storage tank facility that accepts custody, but not ownership, of a motor fuel from a registered supplier, oxygenate blender, pipeline, or other terminal and relinquishes custody of the motor fuel to a transporter.

“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.

“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.

“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.

**~~R20-2-705~~ R3-7-705. Price, Octane, and Lead-substitute Notification on Dispensers**

- A. A service station owner or operator shall ensure that information regarding pricing, motor fuel grade, octane rating, and lead-substitute addition displayed on a service station motor fuel dispenser:
1. Is clean, legible, and visible at all times;
  2. Is displayed electronically or with a sign or label on the upper 60 percent of each face of the dispenser;
  3. Lists the full price of the motor fuel including fractions of a cent and all federal and state taxes;
  4. Displays the highest price of motor fuel sold from the dispenser if the dispenser is capable of dispensing and computing the price of multiple grades of motor fuel;
  5. Displays a discount, if offered, in letters at least 1/4” in height on each face of the dispenser and next to the undiscounted price;
  6. Displays both a cash and credit price on a dispenser that is capable of electronically displaying both cash and credit prices;
  7. Posts both a cash and credit price on each face of a dispenser that is preset by the cashier if the dispenser is unable to display electronically and simultaneously both cash and credit prices;
  8. Posts a price-per-gallon sign next to or on a non-price computing dispenser for a retail-only sale of liquefied petroleum gas used as an alternative motor fuel; and
  9. Complies with the requirements of ~~R20-2-704(A)(1)~~ R3-7-704(A)(1) (A)(1), (A)(2), (A)(3), (A)(5), (A)(6), and (A)(7).
- B. A person who owns or operates a service station shall ensure that:
1. The octane rating of each grade of gasoline is displayed on the upper 60 percent of each face of each dispenser, as prescribed by 16 CFR 306; and
  2. The signs required by Handbook 130, for gasoline dispensers that dispense gasoline with lead substitute, are displayed on the upper 60 percent of each face of each dispenser in letters at least 1/4” in height.

**~~R20-2-707~~ R3-7-707. Product Transfer Documentation and Record Retention for Motor Fuel other than Arizona CBG and AZRBOB**

- A. When a 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 motor fuel dispensing site or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following information:
1. The grade of the motor fuel;
  2. The volume of each grade of motor fuel being transferred;
  3. The date of the transfer;
  4. Product transfer document number;
  5. For conventional gasoline, the minimum octane rating of each grade;
  6. For conventional gasoline, the type and maximum volume of oxygenate contained in each grade;
  7. For conventional gasoline transported in or through the CBG-covered area, the statement, “This gasoline is not intended for use inside the CBG-covered area”;
  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.
  - C. A registered supplier, third-party terminal, or pipeline may use standardized product codes on pipeline tickets as the product transfer documentation.
  - D. A person identified in subsection (A) shall retain product transfer documentation for each shipment delivered for 12 months. This documentation shall be available within two working days from the time of the Department's request.
  - E. A person identified in subsection (A) shall maintain product transfer documentation for a transfer or delivery during the preceding 30 days at that person's address listed on the product transfer documentation.
  - 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 premises of the motor fuel dispensing site owner or operator or fleet owner. This documentation shall be available for Department review.
  - G. The Department shall accept a legible photocopy of a product transfer document instead of the original.
  - H. A person transferring custody or title of Arizona CBG or AZRBOB shall comply with ~~R20-2-757~~ R3-7-757.

**~~R20-2-708~~ R3-7-708. 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 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 1 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.
  - 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 ratio 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 ratio 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~~ R3-7-707, 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.

**~~R20-2-710~~ R3-7-710. Blending Requirements**

- A. A person that has custody of or transports an oxygenated gasoline blend shall ensure that no neat oxygenate blending occurs at a motor fuel dispensing site or fleet vehicle fueling facility.
- B. If a motor fuel dispensing site storage tank contains an oxygenated gasoline blend that does not contain the amount of oxygen required by A.R.S. §§ 41-2122, 41-2123, 41-2125, or ~~R20-2-754~~ R3-7-751, the owner or operator of the motor fuel dispensing site shall do one of the following:
  - 1. Add gasoline that contains no more than 20 percent by volume of the same oxygenate to the non-compliant oxygenated gasoline blend;
  - 2. Add a gasoline blend that dilutes the non-compliant oxygenated gasoline blend to the level of oxygen content required by A.R.S. §§ 41-2122, 41-2123, 41-2125, or ~~R20-2-754~~ R3-7-751; or
  - 3. Empty the storage tank and replace the non-compliant oxygenated gasoline blend with a required oxygenate blend.

**~~R20-2-714~~ R3-7-714. Requirements for Motor Fuels 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~~ R3-7-702 except that from May 1 through September 30, gasoline shall meet the specifications in ASTM



D4814 except maximum vapor pressure shall be 9.0 pounds per square inch.

- B. The owner or operator of a motor fuel dispensing site shall ensure that the finished gasoline is visually free of water, sediment, and suspended matter and is clear and bright at ambient temperature or 70° F (21° C), whichever is greater.
- C. The owner or operator of a motor fuel dispensing site or transmix or production facility shall ensure that the minimum octane rating determined by the test average of ASTM D 2699 and ASTM D 2700, also known as the (R+M)/2 method, is:
  - 1. 87 for unleaded or regular;
  - 2. 88 for mid-grade, extra, or any other gasoline with an octane rating of 88 or higher; and
  - 3. 90 for super, high performance, premium, or any other gasoline with an octane rating of 90 or higher.
- D. Prohibited activities regarding a motor fuel sold or offered for sale outside the CBG-covered area.
  - 1. The owner or operator of a motor fuel dispensing site shall not sell or offer for sale from the motor fuel dispensing site storage tank a product that is not a motor fuel;
  - 2. The owner or operator of a motor fuel dispensing site or transmix or production facility shall not sell or offer for sale a motor fuel that contains more than 0.3 volume percent MTBE or more than 0.1 weight percent oxygen from all other ethers or alcohols as listed in A.R.S. § 41-2122.
  - 3. A transporter shall not deliver to a motor fuel dispensing site or place in a motor fuel dispensing site storage tank a product that is not motor fuel.

**~~R20-2-715~~ R3-7-715. Motor Fuel Quality Testing Methods and Requirements**

- A. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, the producer of a motor fuel shall test the motor fuel for its motor fuel properties using the methodologies in ~~R20-2-702~~ R3-7-702 and ensure that the motor fuel meets the applicable specifications in the material incorporated by reference in ~~R20-2-702~~ R3-7-702.
- 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 D975.
- C. The owner or operator of a transmix or production facility shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating determined and certified in accordance with 16 CFR 306 using the average of ASTM D2699 and ASTM D2700, also known as the (R+M)/2 method. The owner or operator of a motor fuel dispensing site shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating posted in accordance with 16 CFR 306.

**~~R20-2-718~~ R3-7-718. Requirements for Production, Transport, Distribution, and Sale of Biofuels**

- 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 or M, 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 noncompliant 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 ~~R20-2-762~~ R3-7-762.
    - 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), as applicable;
      - 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. American Petroleum Institute 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 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 the 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 D5798,
  - 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 non-compliance.
- 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 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;
    - vii. Free glycerin;
    - viii. Total glycerin; and
    - ix. Distillation, 90 percent; and
  - d. The following fuel quality properties, established by ASTM D7467, for the finished biodiesel blend that contains six percent through 20 percent biodiesel:
    - i. Sulfur content,
    - ii. Aromatic hydrocarbon content,
    - iii. Cetane index,
    - iv. Acid number,
    - v. Distillation, and
    - vi. American Petroleum Institute gravity.
- 5. Reporting requirement for a supplier of a biodiesel or biodiesel blend. A supplier 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:
  - a. The amount of biodiesel or biodiesel blend sold during the previous month; and
  - b. A certification by the supplier of biodiesel or biodiesel blend that the 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).
- 6. Quality Assurance and Quality Control (QA/QC) program for a producer of biodiesel or a biodiesel blend. Except as specified in subsection (C)(7), a producer of biodiesel or a biodiesel blend 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 biodiesel or a biodiesel blend is produced. The producer shall ensure that the sampling and testing protocol meets the following minimum standards:
  - a. All samples of biodiesel or biodiesel blend are collected after any applicable blend component is added;
  - b. All samples of biodiesel or biodiesel blend are collected using approved ASTM methods;
  - c. Sampling is done at one of the following rates:
    - i. If biodiesel or a biodiesel blend 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 biodiesel or a biodiesel blend 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 20 times biodiesel or biodiesel blend is blended or transferred or one sample every two weeks, whichever is more frequent;
    - iii. If biodiesel or a biodiesel blend 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 10 times biodiesel or biodiesel blend is blended or transferred or one sample per week, whichever is more frequent;
  - d. All testing of biodiesel or biodiesel blend is conducted using the appropriate ASTM test method outlined in ASTM D6751, D975, or D7467;
  - e. Test results are used to certify the quality of the biodiesel or biodiesel blend produced;
  - f. Sample handling and storage procedures are specified; and
  - g. Sample retention time-frames are specified.
- 7. A producer of biodiesel or a biodiesel blend that is accredited under the BQ9000 program shall, at least three months before planning to produce or supply a biodiesel or biodiesel blend, submit to the Director the quality manual developed and implemented under the BQ9000 program instead of the QA/QC manual required under subsection (C)(6). A producer of biodiesel or a biodiesel blend that is BQ9000 accredited shall not produce or supply a biodiesel or biodiesel blend until the quality manual developed under the BQ9000 program is approved by the Director. A producer of biodiesel or a biodiesel blend that is BQ9000 accredited shall, upon request, provide the Director with access to records relating to the accreditation and documentation relating to the precision and accuracy of any alternative test method used to meet the requirements of this Section. The Director has authority under A.R.S. §§ 41-2065(A)(4) and 41-2083(N) to audit the quality manual submitted under this subsection.
- 8. Non-compliant biodiesel or biodiesel blend. If test results for biodiesel or a biodiesel blend shipped from a facility indicate that the biodiesel or biodiesel blend does not comply with the requirements of this Chapter, the producer of the biodiesel or biodiesel blend shall immediately:
  - a. Notify the Director of the test results,
  - b. Take all reasonable steps to stop the sale of the non-compliant biodiesel or biodiesel blend, and
  - c. Take steps reasonably calculated to determine the cause of the noncompliance and to prevent future occurrences of non-compliance.
- D. Specific requirements for producers or suppliers of petroleum-based renewable diesel. A producer or supplier of petroleum-based renewable diesel that is intended as a final product for the fueling of motor vehicles shall ensure that the petroleum-based renewable diesel:
  - 1. Meets the standards in ASTM D975, and
  - 2. Is identified as specified in ~~R20-2-701~~ R3-7-701.

**~~R20-2-749~~ R3-7-749. Definitions Applicable to Arizona CBG and AZRBOB**

The following definitions apply only to ~~R20-2-750~~ R3-7-750 through ~~R20-2-762~~ R3-7-762, 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 maximum oxygen content of 4.0 wt. percent or another 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)~~ R3-7-751(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~~ R3-7-702.

“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~~ R3-7-759:

- 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)~~ R3-7-751(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~~ R3-7-750.

“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)~~ R3-7-751(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)~~ R3-7-751(G), (H), and (I), and meets the requirements in:

- ~~R20-2-751(A)~~ R3-7-751(A) beginning April 1 through October 31 of each year, and
- ~~R20-2-751(B)~~ R3-7-751(B) beginning November 1 through March 31 of each year.

“Winter” means November 1 through March 31.

**~~R20-2-750~~ R3-7-750. Registration Relating to Arizona CBG or AZRBOB**

- A. Each of the following shall register with the Director before producing, importing, or obtaining custody of Arizona CBG or AZRBOB:
  - 1. A refiner that produces Arizona CBG or AZRBOB;
  - 2. An importer that imports Arizona CBG or AZRBOB;
  - 3. An oxygenate blender that blends oxygenate with AZRBOB to produce Arizona CBG; or
  - 4. A pipeline or third-party terminal that has custody of Arizona CBG or AZRBOB.
- B. A person listed in subsection (A) shall register on a form prescribed by the Director and include the following information:
  - 1. Business name, business address, and contact name or position title and telephone number;
  - 2. For each refinery or oxygenate blending facility, the facility name, physical location, contact name or position title and telephone number, and type of facility;
  - 3. For each refinery, oxygenate blending facility, or importer:
    - a. The location of the records required under this Article. If records are kept off-site, the primary off-site storage facility name, physical location, and contact name or position title and telephone number; and
    - b. If an independent laboratory is used to meet the requirements of ~~R20-2-752(F)~~ R3-7-752(F), the name and address of the independent laboratory, and contact name or position title and telephone number;
  - 4. If required under 40 CFR 80.76(d), the EPA registration number; and



5. A statement of consent permitting the Department or its authorized agent to collect samples and access records as provided in ~~R20-2-716~~ R3-7-716.
- C. A person registered under subsection (B) shall notify the Director within 10 days after the effective date of a change in any of the information provided under subsection (B).
- D. If a refiner, importer, or oxygenate blender fails to register under this Section, all Arizona CBG or AZRBOB produced by the refiner or oxygenate blender or imported by the importer and transported to the CBG-covered area is presumed to be noncompliant from the date that registration should have occurred.
- E. The Department shall maintain a list of all registered suppliers.

~~R20-2-751~~ R3-7-751. **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 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: 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:
    - a. October: 9.0 psi.
    - b. November 1 - March 31: 9.0 psi.
    - c. April: 10.0 psi.
    - d. May: 9.0 psi.
    - e. June 1 - September 30: 7.0 psi.
    - f. A gasoline ethanol blend in the CBG-covered area is subject to the 1 psi vapor pressure waiver, as described in ~~R20-2-708(B)~~ R3-7-708(B), during April only.
  7. Oxygen and oxygenates:
    - a. Minimum content:
      - i. November 1 - 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. April 1 - October 31: 0 percent by weight (any oxygenate).
    - b. The maximum oxygen content shall not exceed 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. Arizona CBG shall not contain more than 0.3 volume percent MTBE nor more than 0.1 weight percent oxygen from all other ethers or alcohols listed in A.R.S. § 41-2122.
  8. Type 1 Arizona CBG shall meet the Federal Complex Model VOC emissions reduction percentage May 1 through September 15:  $\geq 27.5$  percent (Federal Complex Model settings: Summer, Area Class B, Phase 2). Type 2 Arizona CBG shall meet CARB Phase 2 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 March 31 of each year, all Arizona CBG meets the following fuel property requirements.
  1. Sulfur: 80 ppm by weight (max),
  2. Aromatics: 30% by volume (max),
  3. Olefins: 10% by volume (max),
  4. 90% Distillation Temp. (T90): 330° F (max),
  5. 50% Distillation Temp. (T50): 220° F (max),
  6. Vapor Pressure: 9.0 psi (max), and
  7. Oxygenate - Ethanol:
    - a. Minimum oxygenate content - 10 percent fuel ethanol by volume;
    - b. Maximum oxygen content - 4.0 percent oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123; and
    - c. Alternative minimum fuel ethanol content may be used if approved by the Director under A.R.S. § 41-2124(D).
- 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 D4806 and the following:
  1. A sulfur content not exceeding 10 ppm by weight,
  2. An olefins content not exceeding 0.5 percent by volume, and
  3. An aromatic hydrocarbon content not exceeding 1.7 percent by volume.
- D. General elections. Except as provided in subsection (E), 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. 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 model; and
  2. For each applicable fuel property or performance standard in the election under subsection (D)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with ~~R20-2-760~~ R3-7-760. A registered supplier shall not elect to comply with Type 1 Arizona CBG average standards in Table 1, columns B and C, from September 16 through October 31 and February 1 through April 30.
- E. Winter elections. Beginning November 1 through 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. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 Arizona CBG or the PM alternative gasoline formulation requirements; and
  2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards.
- 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.
- 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~~ R3-7-752 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~~ R3-7-702. 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 (H), (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 ~~R20-2-750~~ R3-7-759.
- H.** Certification and use of Predictive Model for alternative PM gasoline formulations.
1. Except as provided in subsections (H)(4) and (J), a registered supplier shall use the PM as provided in the Predictive Model Procedures.
  2. A registered supplier shall certify a PM alternative gasoline formulation with the Director by either:
    - 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); or
    - b. Notifying the Director, on a form prescribed by or in a format acceptable to the Director, of:
      - i. The PM alternative specifications that apply to the final blend, including for each specification whether it is a PM flat limit or a PM averaging limit; and
      - ii. The numerical values for percent change in emissions for oxides of nitrogen and hydrocarbons determined in accordance with the Predictive Model Procedures.
  3. A registered supplier shall deliver the certification required under subsection (H)(2) to the Director before transporting the PM alternative gasoline formulation.
  4. Restrictions for elections to sell or supply final blends as PM alternative gasoline formulations.
    - 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 (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 (K). This subsection does not preclude a registered supplier from electing another PM alternative gasoline formulation if:
      - i. The PM flat limit for one or more fuel properties is changed to a PM averaging limit, or a single PM averaging limit for which there is no outstanding requirement to provide offsets is changed to a PM flat limit;
      - ii. There are no changes to the PM alternative specifications for remaining fuel properties; and
      - iii. The new PM alternative formulation meets the criteria in the Predictive Model Procedures.
    - 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 (K).
    - d. If a registered supplier notifies the Director under subsection (D) or (E) that a final blend of Arizona CBG is sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of Arizona CBG or AZRBOB subsequently sold or supplied from that production or import facility are subject to the same PM alternative specifications until the registered supplier either:
      - i. Designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications; or
      - ii. Elects, under subsection (D) or (E), a final blend at that facility subject to a flat limit compliance option or an averaging compliance option.
- I.** Prohibited activities regarding PM alternative gasoline formulations. A registered supplier shall not sell, offer for sale, supply, or offer to supply from the registered supplier's production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under ~~R20-2-752~~ R3-7-752 if any of the following occur:
1. The elected PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures,
  2. The registered supplier is prohibited by subsection (H)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation,
  3. The gasoline fails to conform with any PM flat limit in the PM alternative specifications election, or
  4. With respect to any fuel property for which the registered supplier elects a PM averaging limit:
    - 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 (H)(2); or
    - b. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (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 (K).
- J.** Oxygen content requirements for PM alternative gasoline formulations. A registered supplier shall ensure that from November 1 through 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.
- K.** Offsetting fuel properties and performance standards. A registered supplier that elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 and 2, or the PM, shall, from a single production or import facility, complete physical transfer of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the Arizona



CBG or AZRBOB exceeds the averaging standard according to the following schedule:

1. A registered supplier that elects to comply with the averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after beginning to transport any final blend of Arizona CBG or AZRBOB from the production or import facility;
  2. A registered supplier that elects to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period; and
  3. A registered supplier that elects to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period.
- L. Consequence of failure to comply with averages.**
1. In addition to a penalty under ~~R20-2-762~~ R3-7-762, if any, a registered supplier that fails to comply with a requirement of subsection (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 (L)(2) are met;
    - b. For a registered supplier that elects to comply with the standards contained in Table 2 or the PM, the probationary 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 (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. A registered supplier shall not produce or import Arizona CBG or AZRBOB under an averaging compliance election until:
    - a. The registered supplier submits a compliance plan to the Director that includes:
      - i. An implementation schedule for actions to correct noncompliance, and
      - ii. Reporting requirements that document implementation of the compliance plan,
    - b. The Director approves the plan,
    - c. The registered supplier implements the plan, and
    - d. The registered supplier achieves compliance.
  3. If a registered supplier fails to comply with the requirements of subsection (K) within one year of the end of a probationary period under subsection (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 (L)(2) are satisfied, whichever is later.
    - a. If a registered supplier elects to comply with the Table 1 standards, the probationary period begins on the first day of the next averaging season.
    - 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 (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 (K) within one year after the end of a probationary period provided under subsection (L)(3), the registered supplier shall permanently comply with applicable per-gallon standards.
- M. Effect of VOC survey failure.** Each time a VOC survey conducted under ~~R20-2-760~~ R3-7-760 shows excess VOC emissions in the CBG-covered area, the VOC emissions performance reduction in ~~R20-2-751(A)(8)~~ R3-7-751(A)(8) and the minimum per-gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to exceed the VOC percent emissions reduction percentage per-gallon standard in Table 1, column A.
- N. Effect of NOx survey failure.** Each time a NOx survey conducted under ~~R20-2-760~~ R3-7-760 shows excess NOx emissions in the CBG-covered area, the NOx average emission reduction percentage applicable to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent.
- O. Subsequent survey compliance.** If the minimum VOC or average NOx emissions reduction percentage has been made more stringent according to subsection (M) or (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. >27 percent for the VOC emissions reduction percentage, May 1 - September 15, Table 1, column C; and
  2. >6.8 percent for the NOx emissions reduction percentage, May 1 - September 15, Table 1, column B.
- P. Subsequent survey failures.** If a VOC or NOx emissions reduction percentage is made less stringent under subsection (O) and a subsequent VOC or NOx survey shows excess VOC or NOx emissions in the CBG-covered area:
1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction percentage in ~~R20-2-751(A)(8)~~ R3-7-751(A)(8) and the minimum per gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to exceed the VOC percent emissions reduction percentage per gallon standard in Table 1, column A;
  2. For a NOx survey failure, the NOx average emission reduction percentage applicable May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent; and
  3. If the VOC or NOx emission reduction percentage is increased under subsection (P)(1) or (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.
- Q. Effective date for adjusted standards.** If a performance standard is adjusted by operation of subsection (M), (N), (O), or (P), the effective date for the change is the beginning of the next averaging season for which the standard is applicable.

**~~R20-2-752~~ R3-7-752. General Requirements for Registered Suppliers**

- A. A registered supplier shall certify that each batch of Arizona CBG or AZRBOB transported for sale or use in the CBG-covered area meets the standards in this Article.
- B. A registered supplier shall make the certification on a form or in a format prescribed by the Director. The registered supplier shall include in the certification information on shipment volumes, fuel properties as determined under ~~R20-2-759~~ R3-7-759, and performance standards for each batch of Arizona CBG or AZRBOB. The registered supplier shall submit the certification to the Director on or before the 15th day of each month for each batch of Arizona CBG or AZRBOB transported during the previous month.
- C. Recordkeeping and records retention.
  1. A registered supplier that samples and analyzes a final blend or shipment of Arizona CBG or AZRBOB under this Section shall maintain, for five years from the date of each sampling, records of the following:



- a. Sample date;
  - b. Identity of blend or product sampled;
  - c. Container or other vessel sampled;
  - d. The final blend or shipment volume; and
  - e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, vapor pressure, and as applicable, T50, T90, E200, and E300 as determined under ~~R20-2-759~~ R3-7-759.
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 vapor pressure, sulfur, aromatic hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in ~~R20-2-754~~ R3-7-751 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. A registered supplier shall provide to the Director any records maintained by the registered supplier under this Section within 20 days of a written request from the Director. If a registered supplier fails to provide records for a blend or shipment of Arizona CBG or AZRBOB, the Director shall deem the final blend or shipment of Arizona CBG or AZRBOB in violation of ~~R20-2-754~~ R3-7-751, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.
- D.** Notification requirement. A registered supplier shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
- E.** Quality Assurance and Quality Control (QA/QC) Program. A registered supplier shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the registered supplier's laboratory testing of Arizona CBG or AZRBOB. The registered supplier shall submit the QA/QC program to the Director for approval at least three months before the registered supplier transports Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the registered supplier's laboratory testing procedures comply with ~~R20-2-759~~ R3-7-759 and the data generated by the registered supplier's laboratory are complete, accurate, and reproducible. If the registered supplier makes significant changes to the QA/QC program, the registered supplier shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the original quality objectives. The Director shall approve the changed QA/QC program if it meets the quality objectives. Instead of developing a QA/QC program, a registered supplier may comply with the independent testing requirements of subsection (F).
- F.** Independent testing.
1. A registered supplier of Arizona CBG or AZRBOB that does not develop a QA/QC program shall conduct a program of independent sample collection and analysis for the Arizona CBG or AZRBOB produced or imported, that complies with one of the following:
    - a. Option 1. A registered supplier shall, for each batch of Arizona CBG or AZRBOB produced or imported, have an independent laboratory collect and analyze a representative sample from the batch using the methodology specified in ~~R20-2-759~~ R3-7-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
    - b. Option 2. A registered supplier shall have an independent testing program for all Arizona CBG or AZRBOB that the registered supplier produces or imports that consists of the following:
      - i. An independent laboratory shall collect a representative sample from each batch;
      - ii. The Director or designee shall identify up to 10% of the samples collected under subsection (F)(1)(b)(i) for analysis; and
      - iii. The independent laboratory shall, for each sample identified by the Director or designee, analyze the sample using the methodology specified in ~~R20-2-759~~ R3-7-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
  2. The Director or designee may request in writing a duplicate of the batch sample collected under subsection (F)(1)(a) or (b) for analysis by a laboratory selected by the Director or designee. The registered supplier shall submit a duplicate of the sample to the Director within 24 hours of the written request.
  3. Designation of independent laboratory.
    - a. A registered supplier that does not develop a QA/QC program shall designate one independent laboratory for each production or import facility at which the registered supplier produces or imports Arizona CBG or AZRBOB. The independent laboratory shall collect samples and perform analyses according to subsection (F).
    - b. A registered supplier shall identify the designated independent laboratory to the Director under the registration requirements of ~~R20-2-750~~ R3-7-750.
    - c. A laboratory is considered independent if:
      - i. The laboratory is not operated by a registered supplier or the registered supplier's subsidiary or employee,
      - ii. The laboratory does not have any interest in any registered supplier, and
      - iii. The registered supplier does not have any interest in the designated laboratory.
    - d. Notwithstanding the restrictions in subsection (F)(3)(c), the Director shall consider a laboratory independent if it is owned or operated by a pipeline owned or operated by four or more registered suppliers.
    - e. A registered supplier shall not use a laboratory that is debarred, suspended, or proposed for debarment according to the Government-wide Debarment and Suspension regulations, 40 CFR 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9.4.
  4. A registered supplier shall ensure that its designated independent laboratory:
    - a. Records the following at the time the designated independent laboratory collects a representative sample from a batch of Arizona CBG or AZRBOB:
      - i. The producer's or importer's assigned batch number for the batch sampled;
      - ii. The volume of the batch;
      - iii. The identification number of the gasoline storage tank in which the batch is stored at the time the sample is collected;
      - iv. The date and time the batch became Arizona CBG or AZRBOB;
      - v. The date and time the sample is collected;
      - vi. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
      - vii. For Arizona CBG or AZRBOB produced by computer-controlled in-line blending, the date and time the blending process began and the date and time the blending process ended, unless exempt under subsection (G);



- b. Retains each sample collected under this subsection for at least 45 days, unless this time is extended by the Director for up to 180 days;
  - c. Submits to the Director a quarterly report on or before the 15th day of January, April, July, and October of each year that includes, for each sample of Arizona CBG or AZRBOB analyzed under subsection (F):
    - i. The results of the independent laboratory's analyses for each fuel property, and
    - ii. The information specified in subsection (F)(4)(a) for each sample; and
  - d. Supplies to the Director, upon request, a duplicate of the sample.
- G.** Exemptions to QA/QC and independent laboratory testing requirements. A registered supplier that produces or imports Arizona CBG or AZRBOB using computer-controlled in-line blending equipment and operates under an exemption from EPA under 40 CFR 80.65(f)(iv), is exempt from the requirements of subsections (E) and (F), if reports of the results of the independent audit program of the registered supplier's computer-controlled in-line blending operation, which are submitted to EPA under 40 CFR 80.65(f)(iv), are submitted to the Director by March 1 of each year.
- H.** Use of laboratory analysis for certification of Arizona CBG and AZRBOB.
1. If both a registered supplier and an independent laboratory collect a sample from the same batch of Arizona CBG or AZRBOB and perform a laboratory analysis under subsection (F) to determine compliance of the sample with a fuel property, the registered supplier and independent laboratory shall use the same test methodology. The results of the analysis conducted by the registered supplier shall be used for certification of the Arizona CBG or AZRBOB under subsection (B), unless the absolute value of the difference between the two results is larger than one of the following:
    - a. Sulfur content: 25 ppm by weight,
    - b. Aromatics: 2.7% by volume,
    - c. Olefins: 2.5% by volume,
    - d. Fuel ethanol: 0.4% by volume,
    - e. Vapor pressure: 0.3 psi,
    - f. 50% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results,
    - g. 90% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results,
    - h. E200: 2.5% by volume,
    - i. E300: 3.5% by volume, or
    - j. API gravity: 0.3° API.
  2. If the absolute value of the difference between the results of the analyses conducted by the registered supplier and independent laboratory is larger than one of the values specified in subsection (H)(1), the registered supplier shall use one of the following for certification of the batch of Arizona CBG or AZRBOB under subsection (B):
    - a. The larger of the two values for each fuel property, except the smaller of the two values shall be used for measures of oxygenates; or
    - b. Have a second independent laboratory analyze the Arizona CBG or AZRBOB for each fuel property. If the difference between the results obtained by the second independent laboratory and those obtained by the registered supplier are within the range listed in subsection (H)(1), the registered supplier's results shall be used for certifying the Arizona CBG or AZRBOB under subsection (B).

**~~R20-2-753~~ R3-7-753. General Requirements for Pipelines and Third-party Terminals**

- A.** A pipeline or third-party terminal shall not accept Arizona CBG or AZRBOB for transport unless:
1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner, oxygenate blender, pipeline, or third-party terminal registered with the Department under ~~R20-2-750~~ R3-7-750; and
  2. The registered supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in ~~R20-2-751(A)~~ R3-7-751(A) or (B), as applicable, without reproducibility or numerical rounding.
- B.** A pipeline or third-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or third-party terminal shall retain the sample for at least 30 days unless this time is extended for an individual sample for up to 180 days by the Director.
- C.** A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a frequency of at least one sample from one batch completing shipment for each registered supplier each day at each input location.
- D.** A pipeline shall provide the Director with a report summarizing the quality control testing results obtained under subsection (C) within 10 days of the end of each month. The report shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the Arizona CBG or AZRBOB was transported by pipeline, present sample location, and laboratory analysis results.
- E.** If a batch does not meet the standards in ~~R20-2-751(A)~~ R3-7-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the Director by fax within 48 hours of the batch volume and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results.
- F.** If a batch does not meet the standards in ~~R20-2-751(A)~~ R3-7-751(A) or (B), as applicable, including reproducibility, the pipeline or third-party terminal shall notify the Director by fax within 24 hours of the batch quantity and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results. If the batch is in the pipeline's or third-party terminal's control, the pipeline or third-party terminal shall prevent release of the batch from a distribution point until the batch is certified as meeting the standards in ~~R20-2-751(A)~~ R3-7-751(A) or (B), as applicable.
- G.** A pipeline or third-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or third-party terminal's laboratory testing. The QA/QC program for a pipeline or third-party terminal shall include a description of the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported to the CBG-covered area meets the standards in ~~R20-2-751(A)~~ R3-7-751(A) or (B). A pipeline or third-party terminal shall submit the QA/QC program to the Director for approval at least three months before the pipeline or third-party terminal begins to transport Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the pipeline's or third-party terminal's laboratory testing produces data that are complete, accurate, and reproducible. If a pipeline or third-party terminal makes significant changes to the QA/QC program, the pipeline or third-party terminal shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the quality objectives originally approved by the Department. The Director shall approve the changed QA/QC program if it meets the quality objectives.
- H.** A portion of a facility that a third-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but the third-party terminal shall operate the exempt portion of the facility in compliance with requirements for registered suppliers in ~~R20-2-752~~ R3-7-752 and oxygenate blenders in ~~R20-2-755~~ R3-7-755, as applicable.



I. A pipeline is not liable under ~~R20-2-764~~ R3-7-761 if it follows all of the procedures in this Section.

~~R20-2-755~~ R3-7-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending

A. Application of Arizona CBG standards to AZRBOB.

1. Determining whether AZRBOB complies with Arizona CBG standards.
  - 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 determined 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~~ R3-7-759 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 vapor pressure, without adding fuel ethanol to the AZRBOB.
  - b. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the fuel ethanol added to the representative sample under subsection (A)(1)(a) is representative of the fuel ethanol the registered supplier reasonably expects will be subsequently added to the AZRBOB.
2. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under ~~R20-2-754~~ R3-7-751 by adding the minimum amount of fuel ethanol designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Department shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of fuel ethanol to the AZRBOB.

B. Restrictions on transferring AZRBOB.

1. A person shall not transfer ownership or custody of AZRBOB to any other person unless the transferee notifies the transferor in writing that:
  - a. The transferee is a registered oxygenate blender and will add fuel ethanol in the amount (or within the range of amounts) designated in ~~R20-2-757~~ R3-7-757 before the AZRBOB is transferred from a final distribution facility, or
  - b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygenate blender that adds the amount (or within the range of amounts) of fuel ethanol designated in ~~R20-2-757~~ R3-7-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.
2. A person shall not sell or supply Arizona CBG from a final distribution facility if the amount or range of amounts of fuel ethanol designated in ~~R20-2-757~~ R3-7-757 has not been added to the AZRBOB.

C. Restrictions on blending AZRBOB with other products. A person shall not combine AZRBOB supplied from the facility at which the AZRBOB is produced or imported with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:

1. Fuel ethanol in the amount (or within the range of amounts) specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility, or
2. Other AZRBOB for which the same fuel ethanol amount (or range of amounts) is specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility.

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 (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 Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated includes no future editions or amendments.

1. 40 CFR 80.69(a)(7). The word "RBOB" is changed to read "AZRBOB";
2. 40 CFR 80.69(a)(7). "...using the methodology specified in § 80.46..." is changed to read "...using the methodology specified in ~~R20-2-759~~ R3-7-759...;" and
3. 40 CFR 80.69(a)(7)(ii). "(within the correlation ranges specified in § 80.65(e)(2)(i))" is changed to read "(within the ranges of the applicable test methods).

E. General requirements for an independent third-party quality assurance sampling and testing program. A registered supplier may contract with an independent third party that conducts a quality assurance sampling and testing program for one or more registered suppliers. The registered supplier shall ensure that the quality assurance sampling and testing program:

1. Is designed and conducted by a third party that is independent of the registered supplier. To be considered independent:
  - a. The third party shall not be an employee of a registered supplier,
  - b. The third party shall not have an obligation to or interest in any registered supplier, and
  - c. The registered supplier shall not have an obligation to or interest in the third party;
2. Is conducted from November 1 through March 31 on all samples collected under the program design previously approved by the Director under subsection (G);
3. Involves sampling and testing that is representative of all Arizona CBG dispensed in the CBG-covered area;
4. Analyzes each sample for oxygenate according to the methodologies specified in ~~R20-2-759~~ R3-7-759;
5. Bases results on an analysis of each sample collected during the sampling period unless a specific sample does not comply with the applicable per gallon maximum or minimum standards for the fuel property being evaluated in addition to any reproducibility applicable to the fuel property;
6. Participates in a correlation program with the Director to ensure the validity of analysis results;
7. Does not provide advance notice, except as provided in subsection (F), of the date or location of any sampling;
8. Provides a duplicate of any sample, with information regarding where and the date on which the sample was collected, upon request of the Director, within 30 days after submitting the report required under subsection (E)(10);
9. Permits a Department official to monitor sample collection, transportation, storage, and analysis at any time; and
10. Prepares and submits a report to the Director within 30 days after the sampling is completed that includes the following information:
  - a. Name of the person collecting the samples;
  - b. Attestation by an officer of the third party that the sampling and testing was done according to the program plan approved by the Director under subsection (G) and the results are accurate;



- c. Identification of the registered supplier for whom the sampling and testing program was conducted if the sampling and testing program was conducted for only one registered supplier;
  - d. Identification of the area from which the samples were collected;
  - e. Address of each motor fuel dispensing site from which a sample was collected;
  - f. Dates on which the samples were collected;
  - g. Results of the analysis of the samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and vapor pressure, and the calculated VOC or NOx emissions reduction percentage, as applicable;
  - h. Name and address of each laboratory at which the samples were analyzed;
  - i. Description of the method used to select the motor fuel dispensing sites from which a sample was collected;
  - j. Number of samples collected at each motor fuel dispensing site; and
  - k. Justification for excluding a collected sample if one was excluded.
- F.** An independent third party that contracts with one or more registered suppliers to conduct a quality assurance sampling and testing program shall begin the sampling on the date selected by the Director. The Director shall inform the third party of the date selected at least 10 business days before sampling is to begin.
- G.** To obtain the Director's approval of an independent third-party quality assurance sampling and testing program plan, the person seeking the approval shall:
1. Submit the plan to the Director no later than January 1 to cover the sampling and testing period from November 1 through March 31 of each year, and
  2. Have the plan signed by an officer of the third party that will conduct the sampling and testing program.
- 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 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.** Requirements for oxygenate blenders.
1. Requirement to add fuel ethanol to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that fuel ethanol will be added to the AZRBOB, the oxygenate blender shall add fuel ethanol to the AZRBOB in the amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
  2. Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending fuel ethanol with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in ~~R20-2-759~~ R3-7-759.
  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 (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 Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated includes no future editions or amendments.
    - a. 40 CFR 80.69(e)(2). The word "RBOB" is changed to read "AZRBOB;"
    - b. 40 CFR 80.69(e)(2)(iv). "... using the testing methodology specified at § 80.46 ..." is changed to read "... using the testing methodology specified in ~~R20-2-759~~ R3-7-759..." and
    - c. 40 CFR 80.69(e)(2)(v). "(within the ranges specified in § 80.70(b)(2)(I))" is changed to read "(within the ranges of the applicable test methods)."
  4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
    - a. An oxygenate blender that produces Arizona CBG by blending fuel ethanol with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
      - i. Obtain a flow proportional composite sample after the addition of fuel ethanol and before combining the resulting Arizona CBG with any other Arizona CBG;
      - ii. Determine the oxygen content of the Arizona CBG by analyzing the composite sample within 24 hours of blending using the methodology in ~~R20-2-759~~ R3-7-759; and
      - iii. Determine the volume of the resulting Arizona CBG.
    - b. If the test results for the Arizona CBG indicate that it does not contain the amount of fuel ethanol specified by the ranges of the applicable test methods, the oxygenate blender shall:
      - i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline or transmix upon arrival in Arizona;
      - ii. Begin an investigation to determine the cause of the noncompliance;
      - iii. Collect a representative sample every two hours during each in-line blend of AZRBOB and fuel ethanol, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
      - iv. Notify the Director in writing within one business day that the Arizona CBG does not comply with the requirements of this Article.
    - c. The oxygenate blender shall comply with subsection (I)(4)(b)(iii) until the Director determines that the corrective action has remedied the noncompliance.
  5. Recordkeeping and records retention.
    - a. An oxygenate blender shall maintain, for five years from the date of each sampling, records of the following:
      - i. Sample date,
      - ii. Identity of blend or product sampled,
      - iii. Container or other vessel sampled,
      - iv. Volume of final blend or shipment,
      - v. Oxygen content as determined under ~~R20-2-759~~ R3-7-759, and
      - vi. Results from all testing.
    - b. The Director shall deem that Arizona CBG blended by an oxygenate blender and not tested and documented as required by this Section has an oxygen content that exceeds the standards specified in ~~R20-2-751~~ R3-7-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards in ~~R20-2-751~~ R3-7-751.



- c. Within 20 days of the Director’s written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG, the Director shall deem that the blend or shipment of Arizona CBG violates ~~R20-2-754~~ R3-7-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards and limits under ~~R20-2-754~~ R3-7-751.
- 6. Notification requirement. An oxygenate blender shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
- 7. Quality assurance and quality control (QA/QC) program. An oxygenate blender that conducts sampling and testing under subsection (I) in the oxygenate blender’s own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender’s sampling and testing of Arizona CBG or AZRBOB. The oxygenate blender shall submit the QA/QC program to the Director for approval at least three months before transporting Arizona CBG. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the oxygenate blender’s sampling and testing produces data that are complete, accurate, and reproducible. Instead of developing a QA/QC program, an oxygenate blender may comply with the independent testing requirements of ~~R20-2-752(F)~~ R3-7-752(F), except that, for sampling and testing conducted under subsection (I)(3), the minimum number of samples collected and tested by the independent laboratory shall be 10% of the number of samples required to be collected and tested under subsection (I).
- 8. An oxygenate blender that does not conduct laboratory sampling and testing required under subsection (I) in its own laboratory shall designate an independent laboratory, as described in ~~R20-2-752(F)~~ R3-7-752(F), to conduct the sampling and testing required under subsection (I)(7).
- 9. Within 24 hours of the Director’s or designee’s written request, an oxygenate blender shall submit a duplicate of any sample collected under subsection (I)(7).

J. Subsection (A)(1)(a) will not become effective until Arizona’s revised State Implementation Plan is approved by EPA.

**~~R20-2-756~~ R3-7-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks**

- A. A person shall not combine Arizona CBG supplied from a production or import facility with any nonoxygenate blendstock, other than vapor recovery condensate, unless the person demonstrates to the Director:
  - 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;
  - 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. Notwithstanding subsection (A), a person may add nonoxygenate blendstock to a previously certified batch or mixture of certified batches of Arizona CBG that does not comply with one or more of the applicable per-gallon standards contained in ~~R20-2-751(A)~~ R3-7-751(A) or (B) if the person obtains prior written approval from the Director based on a demonstration that adding the blendstock will bring the previously certified Arizona CBG into compliance with the applicable per-gallon standards for Arizona CBG. The oxygenate blender or registered supplier shall certify the re-blended Arizona CBG to the Department.

**~~R20-2-760~~ R3-7-760. Compliance Surveys**

- A. A registered supplier that elects to certify that Arizona CBG or AZRBOB meets an averaging standard under ~~R20-2-754~~ R3-7-751 shall ensure that compliance surveys are conducted in accordance with a compliance survey program plan approved by the Director. The Director shall approve a compliance survey program plan if it:
  - 1. Consists of at least four VOC and NOx surveys conducted at least one per month between May 1 through September 15 of each year, and
  - 2. Complies with subsection (J).
- B. If a registered supplier fails to ensure that an approved compliance survey program is conducted, the Director shall issue an order requiring the registered supplier to comply with all applicable fuel property and performance standards on a per-gallon basis for six months or through the end of the survey period identified in subsection (A)(1), whichever is longer. Regardless of when a failure to survey occurs, the Director’s order shall require compliance with per-gallon standards from the beginning of the survey period during which the failure to survey occurs.
- C. General compliance survey requirements. A registered supplier shall ensure that a compliance survey conforms to the following:
  - 1. Consists of all samples that are collected under an approved survey program plan during any consecutive seven days and that are not excluded under subsection (C)(4);
  - 2. Is representative of all Arizona CBG being dispensed in the CBG-covered area as provided in subsection (G);
  - 3. Analyzes each sample included in the compliance survey for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and vapor pressure according to the test methods in ~~R20-2-759~~ R3-7-759. Vapor pressure is required to be analyzed only from May 1 through September 15;
  - 4. Bases the results of the compliance survey upon an analysis of each sample collected during the course of the compliance survey, unless a sample does not comply with the applicable per gallon maximum or minimum fuel property standard being evaluated in addition to any reproducibility that applies to the fuel property standard; and
  - 5. If a laboratory analyzes the compliance survey samples, the laboratory participates in a correlation program with the Director to ensure the validity of analysis results.
- D. If the Director determines that a sample used in a compliance survey does not comply with ~~R20-2-754~~ R3-7-751 or another requirement under this Article, the Director shall take enforcement action against the registered supplier.
- E. A registered supplier shall comply with the following VOC and NOx compliance survey requirements:
  - 1. For each compliance survey sample, determine the VOC and NOx emissions reduction percentage based upon the tested fuel properties for that sample using the methodology for calculating VOC and NOx emissions reductions at 40 CFR 80.45, as incorporated by reference in ~~R20-2-702~~ R3-7-702;
  - 2. The CBG-covered area fails a VOC compliance survey if the VOC emissions reduction percentage average of all samples collected during the compliance survey is less than the per-gallon standard for VOC emissions reduction percentage in Table 1, column A.
  - 3. The CBG-covered area fails a NOx compliance survey if the NOx emissions reduction percentage average of all samples collected during the compliance survey is less than the per-gallon standard for NOx emissions reduction percentage in Table 1, column A.
- F. A registered supplier shall determine the result of the series of NOx compliance surveys conducted between May 1 and September 15 as follows:



1. For each compliance survey sample, the NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the methodology for calculating NOx emissions reduction at 40 CFR 80.45, as incorporated by reference in ~~R20-2-702~~ R3-7-702; and
  2. The CBG-covered area fails the NOx series of compliance surveys conducted between May 1 and September 15 if the NOx emissions reduction percentage average for all compliance survey samples collected during that time is less than the Federal Complex Model per-gallon standard for the NOx emissions reduction percentage in Table 1, column A.
- G.** General requirements for an independent surveyor conducting a compliance survey. A registered supplier may have the compliance surveys required by this Section conducted by an independent surveyor. The Director shall approve a compliance survey program conducted by an independent surveyor if the compliance survey program:
1. Is designed and conducted by a surveyor that is independent of the registered supplier. To be considered independent:
    - a. The surveyor shall not be an employee of any registered supplier,
    - b. The surveyor shall not have an obligation to or interest in any registered supplier, and
    - c. The registered supplier shall not have an obligation to or interest in the surveyor;
  2. Includes enough samples to ensure that the average levels of oxygen, 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 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. Requires that the surveyor not provide advance notice, except as provided in subsection (H), of the date or location of any survey sampling;
  4. Requires that the surveyor provide a duplicate of any sample taken during the survey, with information regarding the name and address of the facility from and the date on which the sample was taken, upon request of the Director, within 30 days following submission of the survey report required under subsection (G)(6);
  5. Requires that the surveyor permit a Department official to monitor sample collection, transportation, storage, and analysis at any time;
  6. Requires the surveyor to submit a report of each survey to the Director within 30 days after sampling for the survey is completed that includes the following information:
    - a. Name of the person conducting the survey;
    - b. Attestation by an officer of the surveyor that the sampling and testing was conducted according to the compliance survey program plan and the results are accurate;
    - c. Identification of the registered supplier for whom the compliance survey was conducted if the compliance survey was conducted for only one registered supplier;
    - d. Identification of the area from which survey samples were selected;
    - e. Dates on which the survey was conducted;
    - f. Address of each facility at which a sample was collected, and the date of collection;
    - g. Results of the analysis of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and 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. Name and address of each laboratory at which samples were analyzed;
    - i. Description of the method used to select the facilities from which a sample was collected;
    - j. Number of samples collected from each facility;
    - k. Justification for excluding a collected sample from the survey, if one was excluded; and
    - l. Average VOC and NOx emissions reduction percentage.
- H.** An independent surveyor shall begin each survey on a date selected by the Director. The Director shall notify the surveyor of the date selected at least 10 business days before the survey is to begin.
- I.** To obtain the Director's approval of a compliance survey program plan, the person seeking approval shall:
1. Submit the plan to the Director no later than January 1 to cover the survey period of May 1 through September 15 of each year, and
  2. Have the plan signed by a corporate officer of the registered supplier or by an officer of the independent surveyor.
- J.** No later than April 1 of each year, a registered supplier that intends to meet the requirements in subsection (A) by contracting with an independent surveyor to conduct the compliance survey plan for the next summer and winter season shall enter into the contract and pay all of the money necessary to conduct the compliance survey plan. The registered supplier may pay the money necessary to conduct the compliance survey plan to the independent surveyor or to an escrow account with instructions to the escrow agent to release the money to the independent surveyor as the compliance survey plan is implemented. No later than April 15, the registered supplier shall submit to the Director a copy of the contract with the independent surveyor, proof that the money necessary to conduct the compliance survey plan has been paid, and, if applicable, a copy of the escrow agreement.

~~R20-2-761~~ R3-7-761. **Liability for Noncompliant Arizona CBG or AZRBOB**

- A.** Persons liable. If motor fuel designated as Arizona CBG or AZRBOB does not comply with ~~R20-2-751~~ R3-7-751, the following are liable for the violation:
1. Each person who owns, leases, operates, controls, or supervises a facility where the noncompliant Arizona CBG or AZRBOB is found;
  2. Each registered supplier whose corporate, trade, or brand name, or whose marketing subsidiary's corporate, trade, or brand name, appears at a facility where the noncompliant Arizona CBG or AZRBOB is found; and
  3. Each person who manufactured, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline in a storage tank containing Arizona CBG or AZRBOB found to be noncompliant.
- B.** Defenses.
1. A person who is otherwise liable under subsection (A) is not liable if that person demonstrates:
    - a. That the violation was not caused by the person or person's employee or agent;
    - b. That product transfer documents account for all of the noncompliant Arizona CBG or AZRBOB and indicate that the Arizona CBG or AZRBOB complied with this Article; and
    - c. That the person had a quality assurance sampling and testing program, as described in subsection (C) in effect at the time of the violation; except that any person who transfers Arizona CBG or AZRBOB, but does not assume title, may rely on the quality assurance program carried out by another person, including the person who owns the noncompliant Arizona CBG or AZRBOB, provided the quality assurance program is properly administered.



- 2. If a violation is found at a facility that operates under the corporate, trade, or brand name of a registered supplier, that registered supplier must show, in addition to the defense elements in subsection (B)(1), that the violation was caused by:
  - a. A violation of law other than A.R.S. Title 41, Chapter 15, Article 6, this Article, or an act of sabotage or vandalism;
  - b. A violation of a contract obligation imposed by the registered supplier designed to prevent noncompliance, despite periodic compliance sampling and testing by the registered supplier; or
  - c. The action of any person having custody of Arizona CBG or AZRBOB not subject to a contract with the registered supplier but engaged by the registered supplier for transportation of Arizona CBG or AZRBOB, despite specification or inspection of procedures and equipment by the registered supplier designed to prevent violations.
- 3. To show that the violation was caused by any of the actions in subsection (B)(2), the person must demonstrate by reasonably specific showings, by direct or circumstantial evidence, that the violation was caused or must have been caused by another person.
- C. Quality assurance sampling and testing program. To demonstrate an acceptable quality assurance program for Arizona CBG or AZRBOB, at all points in the gasoline distribution network, other than at a service station or fleet owner facility, a person shall present evidence:
  - 1. Of a periodic sampling and testing program to determine compliance with the maximum or minimum standards in ~~R20-2-751~~ R3-7-751; and
  - 2. That each time Arizona CBG or AZRBOB is noncompliant with one of the requirements in ~~R20-2-751~~ R3-7-751:
    - a. The person immediately ceases selling, offering for sale, dispensing, supplying, offering for supply, storing, transporting, or causing the transportation of the noncompliant Arizona CBG or AZRBOB; and
    - b. The person remedies the violation as soon as practicable.

Table 2. Type 2 Arizona CBG Standards

	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	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0	22.0	25.0	% by volume
Oxygen content: fuel ethanol** November 1 - March 31 April 1 - October 31 The maximum oxygen content EtOH year around	10% fuel ethanol**	- -	10% fuel ethanol**  4.0	% 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(G)~~ R3-7-751(G), (H), and (I) 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 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).

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

ARTICLE 9. GASOLINE VAPOR CONTROL

~~R20-2-902~~ R3-7-902. Exemptions

- A. The owner or operator of a gasoline dispensing site that has decommissioned the site’s stage II vapor recovery system in accordance with ~~R20-2-913~~ R3-7-913 or that is subject to A.R.S. § 41-2132, is exempt from the provisions of this Article but shall comply with the provisions of Article 10.
- B. The owner or operator of a gasoline dispensing site that has a throughput that does not exceed the throughput specified in A.R.S. § 41-2135(B) may obtain an exemption by submitting a written request to the Department attesting that throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2135(B). By the 15th of each month, beginning the month after the Department approves the exemption, the person shall submit a written throughput report to the Department. If a person does not timely file a monthly throughput report or if a monthly throughput report reflects that the exemption limit is exceeded, the Department deems the exemption void.
- C. To obtain an independent small business marketer exemption, a person shall derive at least 50 percent of the person’s annual income from the sale of gasoline at each gasoline dispensing site for which an exemption is requested. The person shall submit a written request for exemption to the Department. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of the person’s state and federal gross income for the preceding year for income tax purposes. The following items are excluded from income computations:
  - 1. Purchase and sale of diesel fuel, and
  - 2. State lottery sales net commissions and incentives.
- D. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

**~~R20-2-903~~ R3-7-903. Equipment and Installation**

- A. A person subject to A.R.S. § 41-2135 shall install, maintain, and operate a stage I and stage II vapor recovery system and component as specified in this Article until the stage II vapor recovery system is decommissioned in accordance with ~~R20-2-913~~ R3-7-913.
- B. The Department shall reject a vapor recovery system or component from future installation if:
  - 1. Federal regulations prohibit its use;
  - 2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in ~~R20-2-904~~ R3-7-901; or
  - 3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.
- C. The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I and stage II vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under ~~R20-2-904~~ R3-7-904.
- D. If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- E. A stage I spill containment may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid. A stage II vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gas-line storage tanks.

**~~R20-2-904~~ R3-7-904. Application Requirements and Process for Authority to Construct Plan Approval**

- A. A person shall not begin to construct a site requiring a vapor recovery system or to make a major modification of an existing vapor recovery system or component before obtaining approval of an authority to construct plan application. A major modification is:
  - 1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage II vapor recovery system;
  - 2. Adding or replacing underground piping, vapor piping within a dispenser, or a dispenser at an existing vapor recovery site unless the dispenser replacement is necessary due to unforeseen damage to the existing dispenser; or
  - 3. Replacing a Department-approved stage II vapor recovery system of one certified configuration with an approved stage II vapor recovery system of a different certified configuration.
- B. A person shall file with the Department a written change order to an authority to construct plan approval on a form provided by the Department if a modification of the approved vapor recovery system or component is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.
- C. To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:
  - 1. The name, address, and phone number of any owner, operator, and proposed contractor, if known;
  - 2. The name of the stage I or stage II vapor recovery system or component to be installed along with the CARB certification for that system or component;
  - 3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;
  - 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all equipment and piping detail; and
  - 5. The application fee specified under ~~R20-2-906~~ R3-7-906.
- D. After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail the plan approval to the address indicated on the application.
  - 1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
  - 2. Construction of a stage II vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work done until an authority to construct plan approval is obtained.
  - 3. An authority to construct plan approval is not transferable.
- E. The Department shall deny an authority to construct plan for any of the following reasons:
  - 1. Providing incomplete, false, or misleading information; or
  - 2. Failing to meet the requirements stated in this Chapter.
- F. If excavation is involved, the Department may visually inspect the stage II underground piping of a gasoline dispensing site before the pipeline is buried, for compliance with the authority to construct plan approval. A person who owns or operates a vapor recovery system or component shall give the Department notice by fax or e-mail at least two business days before the underground piping is complete. The Department shall require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.
- G. After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval, if an initial inspection is scheduled according to ~~R20-2-905~~ R3-7-905.
- H. An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

**~~R20-2-905~~ R3-7-905. Initial Inspection and Testing**

- A. Within 10 days after beginning the dispensing of gasoline at a site that requires an authority to construct plan approval, a person shall provide the Department with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the authority to construct plan approval. The inspection shall be witnessed by the Department at a time approved by the Department and include any of the following relevant to the specific vapor recovery system installed:
  - 1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
  - 2. A pressure decay test for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. If the pressure decay test in ~~R20-2-901(1)~~ R3-7-901(1) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 10 percent or greater than 60 percent vapor space. If the pressure decay test in ~~R20-2-901(2)~~ R3-7-901(2) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 15 percent or more than 30,000 gallons vapor space. The Department shall compute combined tank vapor space for manifolded systems;
  - 3. Communication from dispenser to tanks for each product, using the San Diego TP-96-1 and CARB TP-201.4 test procedures;
  - 4. Air to liquid volume ratio by volume meter of a vapor recovery system, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;



- 5. Spillage of a stage II vapor recovery system, using the CARB TP-201.2C procedure;
  - 6. Liquid removal of a stage II vapor recovery system, using the CARB TP-201.6 procedure;
  - 7. Flow versus pressure for components in a stage II vapor recovery system, using the CARB TP-201.2B procedure; and
  - 8. Procedures specified by a manufacturer for testing the vapor recovery system.
- B. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
  - C. If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all the appropriate tests in subsection (A).
  - D. A person who cancels an initial inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Department shall take enforcement action if a person fails to comply with this Section.
  - E. A person shall notify the Department when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Department approves the reinspection date and time.
  - F. If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Department shall fail the initial inspection of that site.
  - G. If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
    - 1. The Department shall take enforcement action if the person fails to timely reschedule the inspection.
    - 2. The registered service agency shall notify the Department in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
    - 3. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, whether it approves the inspection date and time.

**~~R20-2-909~~ R3-7-909. Recordkeeping and Reporting**

- A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done under this Article.
- B. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage II equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2135(B) from requirements to install and operate stage II vapor recovery equipment, shall maintain a log at the site showing monthly throughputs. The owner or operator shall submit throughput records to the Department as required under ~~R20-2-902(B)~~ R3-7-902(B). If any throughput requirement provided in A.R.S. § 412135(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall within six months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D. The owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

**~~R20-2-910~~ R3-7-910. Annual Inspection and Testing**

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. The annual inspection shall include the tests defined in ~~R20-2-905(A)(1)~~ R3-7-905(A)(1) through (8) that pertain to the specific vapor recovery system installed.
- C. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- D. If a site fails to pass any of the tests required by subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all appropriate tests in subsection (B).
- E. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- F. A registered service representative shall perform all tests according to Article 9 and any other vapor recovery procedure that the Department issues to registered service agencies.
- G. A person who cancels a witnessed inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.

**~~R20-2-911~~ R3-7-911. Compliance Inspections**

The Department shall not announce when it plans to conduct a compliance inspection of a stage I or stage II vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in ~~R20-2-910~~ R3-7-910.

**~~R20-2-913~~ R3-7-913. Stage II Decommissioning**

- A. The owner or operator of a gasoline dispensing site with a stage II vapor recovery system shall decommission the stage II vapor recovery system in accordance with the following schedule:
  - 1. If the owner or operator holds a license issued by the Department numbered BMF 13676 or less, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2016 and September 30, 2017; or
  - 2. If the owner or operator holds a license issued by the Department numbered BMF 13677 or more, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2017 and September 30, 2018.
- B. Request for alternate decommissioning plan. The following owners or operators may submit an alternate decommissioning plan requesting to decommission the stage II vapor recovery systems at a time other than would be required under subsection (A)(1) or (A)(2) but no sooner than October 1, 2016 and no later than September 30, 2018. The owner or operator shall submit the alternate decommissioning plan to the Department for approval no later than December 31, 2015.



1. An owner or operator that holds licenses issued by the Department for three or fewer gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsections (C)(1) through (4); and
  2. An owner or operator that holds licenses issued by the Department for four or more gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsection (C).
- C. An owner or operator that submits a request for approval of an alternate decommissioning plan shall include the following information as specified under subsection (B):
1. The business name and mailing address on all licenses;
  2. The name and telephone number of an individual with whom the Department can communicate;
  3. The license number and address of each gasoline dispensing site and a statement of whether the owner or operator proposes to decommission each vapor recovery system between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018;
  4. A statement of whether all gasoline dispensers at the gasoline dispensing site will be replaced and if so, whether the owner or operator proposes to replace the gasoline dispensers between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018; and
  5. If the owner or operator owns four or more gasoline dispensing sites, an alternate decommissioning plan that includes:
    - a. The license numbers and addresses of 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2016 and September 30, 2017; and
    - b. The license numbers and addresses of the remaining 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2017 and September 30, 2018.
- D. The Department shall approve or reject, on a first-come-first-served basis, an alternate decommissioning plan within three months after the alternate decommissioning plan is submitted. The Department shall allow decommissioning of stage II vapor recovery equipment at the time gasoline dispensers are replaced as indicated on the request for approval under subsection (C)(4). The Department may reject an alternate decommissioning plan if the information required under subsection (B) is not provided or if the year requested for decommissioning already has more than 60 percent of all gasoline dispensing sites scheduled for decommissioning;
- E. The owner or operator of a gasoline dispensing site that is exempt under ~~R20-2-902~~ R3-7-902 shall decommission the site any time between October 1, 2016, and September 30, 2018;
- F. The owner or operator of a gasoline dispensing site shall ensure that a Notice of Intent, using a form or format provided by the Department, is submitted to the Department at least 10 days before the planned decommissioning and includes the following information:
1. Name of the owner or operator of the gasoline dispensing site,
  2. Address of the gasoline dispensing site,
  3. Name of the decommissioning contractor,
  4. Decommissioning dates,
  5. Name of the vapor testing registered service representative, and
  6. A statement indicating whether all gasoline dispensers at the gasoline dispensing site are being replaced.
- G. If any of the information provided under subsection (F) changes, the owner or operator shall ensure that the Department receives the changed information at least 24 hours before the scheduled start of decommissioning.
- H. The owner or operator of a gasoline dispensing site shall ensure that all stage II vapor recovery systems are decommissioned according to the material incorporated by reference in ~~R20-2-901(4)~~ R3-7-901(4) with the following exceptions:
1. Liquid shall be purged from the vapor piping following disconnection in section 14.6.6;
  2. Vapor piping that is not disconnected from the tank top in accordance with section 14.6.7 shall be disconnected in the future if construction involving excavation that renders the piping accessible is performed; and
  3. The pressure decay test conducted under section 14.6.12 shall meet the requirements in ~~R20-2-1005(A)(1)~~ R3-7-1005(A)(1).
- I. The decommissioning contractor shall:
1. Complete a Decommissioning Checklist using a form or format provided by the Department,
  2. Provide a copy of the completed Decommissioning Checklist to the owner or operator of the gasoline dispensing site at the time of decommissioning, and
  3. Submit a copy of the completed Decommissioning Checklist to the Department within 10 days after decommissioning of the stage II vapor recovery system is complete. Decommissioning of a stage II vapor recovery system is complete on the date and at the time when the gasoline dispensing site resumes sales of motor fuel following decommissioning.
- J. A gasoline dispensing site with a stage II vapor recovery system that is decommissioned is exempt from the annual inspection and testing required under ~~R20-2-910~~ R3-7-910 but shall be subject to the initial inspection and testing prescribed under ~~R20-2-1005~~ R3-7-1005 within 60 days after decommissioning is complete.
- K. The requirements in Article 10 apply to all gasoline dispensing sites at which stage II vapor recovery systems have been decommissioned.
- L. The Department shall place out-of-service a gasoline dispensing site at which a stage II vapor recovery system is not decommissioned according to this Section until the gasoline dispensing site is decommissioned and impose civil penalties under A.R.S. § 41-2115 on the owner or operator of the gasoline dispensing site.

#### ARTICLE 10. STAGE I VAPOR RECOVERY

##### ~~R20-2-1002~~ R3-7-1002. Exemptions

- A. The owner or operator of a gasoline dispensing site at which the site's stage II vapor recovery system has not been decommissioned in accordance with ~~R20-2-913~~ R3-7-913 is exempt from the provisions of this Article but shall comply with the provisions of Article 9.
- B. An owner or operator of a gasoline dispensing site with a gasoline throughput that does not exceed that specified in A.R.S. § 41-2132(B) may file for an exemption from this Article. To obtain an exemption, the owner or operator of the gasoline dispensing site shall submit an annual throughput report to the Department, using a form prescribed by the Department, no later than March 30 of each year and attest to the throughput during each month of the previous calendar year. If the owner or operator fails to file an annual throughput report timely or if the annual throughput report indicates the exemption limit specified in A.R.S. § 41-2132(B) was exceeded, the Department shall deem the exemption void.

##### ~~R20-2-1003~~ R3-7-1003. Equipment and Installation

- A. The Department shall reject a vapor recovery system or component from future installation if:



1. Federal regulations prohibit its use;
  2. The vapor recovery system or component does not meet the manufacturer’s specifications as certified by CARB using test methods approved in ~~R20-2-1004~~ R3-7-1001; or
  3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction’s vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.
- B.** The piping of a stage I vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under ~~R20-2-1004~~ R3-7-1004. All components installed with the stage I vapor recovery system shall be certified by CARB or approved by the Department as required under A.R.S. § 41-2132.
- C.** If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- D.** A stage I liquid or vapor spill containment bucket may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid.
- E.** A stage I vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

**~~R20-2-1004~~ R3-7-1004. Application Requirements and Process for Authority to Construct Plan Approval**

- A.** A person shall not begin to construct a site requiring a stage I vapor recovery system or to make a major modification of an existing vapor recovery system before obtaining approval of an authority to construct plan application. A major modification is:
1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage I vapor recovery system;
  2. Modifying, adding, or replacing underground vent piping; or
  3. Conducting construction under ~~R20-2-913(H)(2)~~ R3-7-913(H)(2).
- B.** A person shall file with the Department a written change order, using a form provided by the Department, to obtain a modification of the approved vapor recovery system or component if a modification is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.
- C.** To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:
1. The name, address, and telephone number of any owner, operator, and proposed contractor, if known;
  2. The name of the stage I vapor recovery system or component to be installed along with the CARB certification for that system or component;
  3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;
  4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all stage I vapor recovery equipment and stage I vapor recovery piping detail; and
  5. The application fee specified under ~~R20-2-1006~~ R3-7-1006.
- D.** A person shall ensure that an installed or modified stage I vapor recovery system meets the following requirements:
1. Has CARB-certified product and vapor adaptors that prevent loosening or over-tightening of the stage I product and vapor adaptors;
  2. Consists of a two-point stage I system with separate fill and vapor connection points. Coaxial stage I vapor recovery systems shall not be used;
  3. Has a submerged fill pipe that has the fill pipe’s highest point of discharge no more than six inches from the tank bottom;
  4. Has no tank containing motor fuel other than gasoline connected to the vapor piping;
  5. Uses cement that is resistant to deterioration from exposure to water, hydrocarbons, and alcohol to join all pipes;
  6. Has tank vent pipes that extend at least 12 feet above the elevation of the stage I fill points;
  7. Has tank vent pipes with a minimum inside diameter of:
    - a. Two inches if the pipe is not manifolded, or
    - b. Three inches from the point of manifold if the pipe is manifolded;
  8. Has pressure vacuum vent valves that are attached to the tank vent pipes by a threaded connection;
  9. If a gasoline tank is installed in an enclosed vault, has an emergency vent in addition to the pressure vacuum vent valve required under subsection (D)(8);
  10. Has a one-eighth inch threaded tap on the vent pipe between six and eight feet above ground level;
  11. Has risers into gasoline storage tanks that are capped with UL-approved caps;
  12. Has lead wires for instrumentation that pass through a leak-tight grommet with a compression fitting suitable for exposure to gasoline vapors;
  13. Has storage tank vent pipes and fill and vapor manhole tops that are painted a color that minimizes solar gain and has a reflective effectiveness of at least 55 percent. Reflectivity shall be determined by visually comparing the paint with paint-color cards obtained from a paint manufacturer that uses the Master Pallet Notation to specify the paint color (i.e. 58YY 88/180 where the number in italics is the paint reflectivity). Examples of colors have a reflective effectiveness of at least 55 percent include, but are not limited to, yellow, light gray, aluminum, tan, red iron oxide, cream or pale blue, light green, glossy gray, light blue, light pink, light cream, white, silver, beige, tin plate, and mirrored finish. A manhole cover that is color coded for product identification is exempt from this subsection; and
  14. Complies with other requirements outlined in the authority to construct permit.
- E.** After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail, fax, or e-mail the plan approval to the address indicated on the application.
1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
  2. Construction of a stage I vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work done until an authority to construct plan approval is obtained.
  3. An authority to construct plan approval is not transferable.
- F.** The Department shall deny an authority to construct plan for any of the following reasons:
1. Providing incomplete, false, or misleading information; or
  2. Failing to meet the requirements stated in this Chapter.
- G.** If excavation is involved, the Department may visually inspect the stage I underground piping of a gasoline dispensing site before the piping is buried for compliance with the authority to construct plan approval. The owner or operator of a vapor recovery system or



component shall give the Department notice by fax or e-mail at least two business days before the underground piping is complete to schedule the inspection. The Department may require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.

- H. After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval if an initial inspection is scheduled according to ~~R20-2-1005~~ R3-7-1005.
- I. An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

~~R20-2-1007~~ R3-7-1007. **Operation**

- A. The owner or operator of a gasoline dispensing site with stage I vapor recovery shall not transfer or permit the transfer of gasoline into any gasoline storage tank subject to this Article unless stage I vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B. The owner or operator of a gasoline dispensing site with stage I vapor recovery shall operate the stage I vapor recovery system and associated components in compliance with the CARB certification or Department approval under A.R.S. § 41-2132 for that system and these rules.
- C. The owner or operator of a gasoline dispensing site with stage I vapor recovery located in area A shall inspect the system and its components at least once every seven days. The inspections shall include all stage I fittings and spill containment.
- D. The owner or operator of a gasoline dispensing site shall immediately stop using a stage I vapor recovery system or component if one or more of the following system or component defects occur:
  1. Tank vent pipes are not the proper height or are not properly capped with approved pressure and vacuum vent valves;
  2. Vent pipes do not meet the CARB-specified paint color code specified in ~~R20-2-1004(D)(13)~~ R3-7-1004(D)(13);
  3. The stage I vapor recovery system is not properly installed or maintained as evidenced by the following:
    - a. Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal;
    - b. A fill adaptor collar or vapor poppet (drybreak) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, not securely attached, or missing gaskets;
    - c. Coaxial stage I is not equipped with a functioning CARB-approved popped fill tube or the coaxial cap is not installed or is missing, broken, not securely attached, or missing gaskets; or
    - d. A fill tube is missing, broken, or not sealed; has holes or damaged overfill prevention; or the high point of the bottom opening is more than six inches above the tank bottom;
  4. The tank rise cap with instrument lead wire for an electronic monitoring system is not installed tightly or any other tank riser is not sealed and capped securely;
  5. An above-ground storage tank does not display a permanently attached UL approval plaque; or
  6. Any other component identified in the diagrams, exhibits, attachments, or other documents and certified by CARB or required by the authority to construct permit for that system is missing, disconnected, or malfunctioning.
- E. For proper operation of a stage I system under A.R.S. § 41-2132(C)(4), the owner or operator of a gasoline dispensing site shall recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- F. The owner or operator of a gasoline dispensing site shall ensure that any underground tightness test is conducted in a manner that prevents gasoline vapors being emitted to the atmosphere.

~~R20-2-1009~~ R3-7-1009. **Recordkeeping and Reporting**

- A. The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain records of the inspections done under ~~R20-2-1007~~ R3-7-1007.
- B. The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage I equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2132(B) from requirements to install and operate stage I vapor recovery equipment shall maintain a log at the site showing monthly throughputs. The owner or operator shall make the log available to the Department within 24 hours after request. The owner or operator shall submit to the Department the throughput information required under ~~R20-2-1002(B)~~ R3-7-1002(B). If any throughput requirement provided in A.R.S. § 41-2132(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage I vapor recovery system conforming to this Article. If a stage I vapor recovery system is already installed, the owner or operator shall have the system tested under ~~R20-2-1010~~ R3-7-1010 within 30 days after the end of the month in which the throughput was exceeded.
- D. The owner or operator of a gasoline dispensing site that has decommissioned a stage II vapor recovery system under ~~R20-2-913~~ R3-7-913 shall maintain a copy of the decommissioning checklist required under ~~R20-2-913(f)~~ R3-7-913(f) for three years.
- E. Except as specified in subsection (D), the owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

~~R20-2-1010~~ R3-7-1010. **Annual Testing and Inspection**

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. The annual inspection shall include the tests defined in ~~R20-2-1005(A)(1)~~ R3-7-1005(A)(1) through (3) that pertain to the specific vapor recovery system installed.
- C. To verify proper operation of a vapor recovery system, the Department may perform or may require registered service representatives to perform additional tests under ~~R20-2-1005(A)(4)~~ R3-7-1005(A)(4) during the annual inspection and testing. The Department shall provide registered service agencies with six months' notice before requiring additional annual testing under ~~R20-2-1005(A)(4)~~ R3-7-1005(A)(4).
- D. If there is a difference between a testing contractor's test results and the Department's test results, the Department's test results prevail.
- E. If a site fails to pass any of the tests required under subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all tests required under subsection (B).



- F. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- G. A person shall notify the Department when a vapor recovery system or component is repaired after failing an annual inspection. A registered service representative shall not conduct a reinspection until the Department approves the reinspection date and time.
- H. A registered service representative shall perform all tests according to this Article and any other vapor recovery procedure the Department issues to registered service agencies.
- I. A person that cancels an annual inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.
- J. Gasoline dispensing sites located in area B are exempt from the annual inspection and testing requirements of this Section.

**~~R20-2-1014~~ R3-7-1011. Compliance Inspections and Additional Test Methods**

The Department shall not announce when it plans to conduct a compliance inspection of a stage I vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in ~~R20-2-1014~~ R3-7-1010.