

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 53

SENATE BILL 1154

AN ACT

AMENDING SECTION 41-2122, ARIZONA REVISED STATUTES; RELATING TO MOTOR FUEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2122, Arizona Revised Statutes, is amended to
3 read:

4 41-2122. Standards for oxygenated fuel; volatility; exceptions;
5 MTBE

6 A. From and after September 30 through March 31 of each year, in a
7 county with a population of one million two hundred thousand or more persons
8 and in any portion of a county contained in area A, blends of gasoline with
9 ethanol shall not exceed the volatility requirements prescribed by section
10 41-2083 and rules adopted by the director under that section. From and after
11 September 30, 1999 through March 31, 2000 and from and after September 30
12 through March 31 of each year thereafter, in area B, blends of gasoline with
13 ethanol may exceed the volatility requirements prescribed by section 41-2083
14 and rules adopted by the director under that section by up to one pound per
15 square inch if the base fuel meets the requirements of ASTM D4814 and the
16 final gasoline-ethanol blend contains at least six per cent ethanol by volume
17 but does not exceed United States environmental protection agency waivers.
18 For any other locations and period of time, blends of gasoline with ethanol
19 shall meet the volatility requirements as determined by department rule.

20 B. Notwithstanding subsection D of this section, the director of the
21 department of weights and measures in consultation with the director of the
22 department of environmental quality shall approve alternate fuel control
23 measures that are submitted by manufacturers or suppliers of gasoline and
24 that the directors determine will result in motor vehicle carbon monoxide
25 emission reductions that will equal or exceed the reductions that result
26 under subsection D of this section. In making those determinations, the
27 directors shall compare the alternative measure against the emission
28 reduction that would be obtained from a fuel with the maximum vapor pressure
29 standard prescribed by subsection D of this section and the minimum oxygen
30 standard prescribed by section 41-2123 or 41-2125. Alternative fuel control
31 measures approved by the director of the department of weights and measures
32 in consultation with the director of the department of environmental quality
33 may be used by any manufacturer or supplier of gasoline unless the approval
34 is rescinded by the director of the department of weights and measures at
35 least one hundred eighty days before the beginning of any oxygenate period in
36 the future. Manufacturers and suppliers who choose to use an approved
37 alternate fuel control measure shall annually submit a compliance plan to the
38 director of the department of weights and measures not later than sixty days
39 prior to the start of the oxygenate period.

40 C. From and after September 30 through March 31 of each year, all
41 blends of gasoline with alcohol other than ethanol shall satisfy all of the
42 requirements prescribed by section 41-2083 and rules adopted by the director
43 under that section and the provisions of a waiver issued by the United States
44 environmental protection agency pursuant to 42 United States Code section
45 7545(f).

1 D. Notwithstanding subsection A of this section, if the director of
2 the department of environmental quality has previously raised the minimum
3 oxygen content to the maximum percentage of oxygen allowed for each oxygenate
4 as provided by section 41-2125, the designated air quality planning agency
5 for area B has considered, analyzed and reviewed the costs and benefits of
6 all other reasonable and available control measures in lieu of reducing
7 volatility requirements to nine pounds per square inch and the director of
8 the department of environmental quality finds that area B has failed to
9 maintain the carbon monoxide national ambient air quality standards by
10 violating the standard, beginning with the oxygenate period beginning on the
11 following September 30 and for each oxygenate period thereafter in area B,
12 the volatility requirements described by section 41-2083, subsection G may be
13 reduced to nine pounds per square inch. If a violation of the carbon
14 monoxide national ambient air quality standards is recorded after the
15 volatility requirements have been reduced to nine pounds per square inch, the
16 director of the department of environmental quality shall remove the one
17 pound per square inch waiver for gasoline-ethanol blends.

18 E. Beginning on January 1, 2005, gasoline that is supplied or sold by
19 any person and that is intended as a final product for the fueling of motor
20 vehicles within this state shall not contain THE FOLLOWING:

21 1. Methyl tertiary butyl ether that exceeds 0.3 per cent by volume.
22 2. BEGINNING ON JANUARY 1, 2006, A TOTAL OF MORE THAN 0.10 PER CENT
23 OXYGEN BY WEIGHT COLLECTIVELY FROM ALL OF THE FOLLOWING OXYGENATES:

- 24 (a) DIISOPROPYLETHER (DIPE).
- 25 (b) ETHYL TERT-BUTYLETHER (ETBE).
- 26 (c) ISO-BUTANOL.
- 27 (d) ISOPROPANOL.
- 28 (e) METHANOL.
- 29 (f) N-BUTANOL.
- 30 (g) N-PROPANOL.
- 31 (h) SEC-BUTANOL.
- 32 (i) TERT-AMYL METHYLETHER (TAME).
- 33 (j) TERT-BUTANOL.
- 34 (k) TERT-PENTANOL (TERT-AMYLALCOHOL).

35 F. SUBSECTION E OF THIS SECTION DOES NOT PROHIBIT THE TRANSSHIPMENT
36 THROUGH THIS STATE, INCLUDING STORAGE INCIDENT TO THAT TRANSSHIPMENT, OF
37 GASOLINE THAT CONTAINS THE OXYGENATES PRESCRIBED BY SUBSECTION E OF THIS
38 SECTION IF BOTH OF THE FOLLOWING APPLY:

- 39 1. THE GASOLINE IS USED OR DISPOSED OUTSIDE THIS STATE.
- 40 2. THE GASOLINE IS SEGREGATED FROM GASOLINE THAT IS INTENDED FOR USE
41 INSIDE THIS STATE.

APPROVED BY THE GOVERNOR APRIL 11, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2005.

Passed the House April 4, 2005,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 10, 2005,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2005

at 2:15 o'clock P M.

Secretary to the Governor

Approved this 11 day of

April, 2005,

at 10¹⁰ o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2005

at 1:35 o'clock P. M.

Secretary of State

S.B. 1154