

9/21/09

~~Article 1, consisting of Sections R4-31-901 through R4-31-911, adopted again by emergency action effective February 27, 1993, pursuant to A.R.S. § 41-1026 (Supp. 93-1). Emergency expires~~

~~Article 2, consisting of Sections R4-31-901 through R4-31-909, adopted by emergency action effective November 23, 1992, pursuant to A.R.S. § 41-1026 (Supp. 92-4).~~

~~Section~~

- ~~R20-2-901. Material Incorporated by Reference~~
- ~~R20-2-902. Exemptions~~
- ~~R20-2-903. Equipment and Installation~~
- ~~R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval~~
- ~~R20-2-905. Initial Inspection and Testing~~
- ~~R20-2-906. Fees~~
- ~~R20-2-907. Operation~~
- ~~R20-2-908. Training and Public Education~~
- ~~R20-2-909. Recordkeeping and Reporting~~
- ~~R20-2-910. Annual Inspection and Testing~~
- ~~R20-2-911. Compliance Inspections~~

**ARTICLE 1. ADMINISTRATION AND PROCEDURES**

**R20-2-101. 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);
  - h. Comply with scheduling a test according to R20-2-104(L); or
  - i. Retake a competency examination under A.R.S. § 41-2094.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and addi-

tional information the Department requires an applicant to submit with an application.

4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.
6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "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.
9. "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.
10. "EPA" means the United States Environmental Protection Agency.
11. "Gasoline vapors" means volatile organic compounds in a gaseous state.
12. "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, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
13. "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, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2002 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
14. "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, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
15. "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, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (January 2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions and amendments.
16. "NCWM" means the National Conference on Weights and Measures.

9/21/09

17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
18. "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.
19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during one calendar month.
20. "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.
21. "NIST" means the National Institute of Standards and Technology.
22. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
23. "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.
24. "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.
25. "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.
26. "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.
27. "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.
28. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
29. "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.
30. "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.
31. "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.
32. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
33. "Unit" means a quantity adopted as a standard of measurement.
34. "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.
35. "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.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-2). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-101 recodified from R4-31-101 (Supp. 95-1). Citations referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### Fees

- The Department's Metrology Laboratory charges the following fees for services:
- A. \$24.00 for the first hour, or fraction of an hour, and \$40.00 an hour, or fraction of an hour, after the first hour.
  - B. In addition to the charges in subsection (A), the Department shall charge for travel and per diem at the rates established by A.R.S. §§ 38-623(D) and 38-624(C) for tests or calibrations conducted outside the Metrology Laboratory.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding a new subsection (A) and renumbering accordingly effective February 3, 1989 (Supp. 89-1). Amended subsection (A) effective May 3, 1990 (Supp. 89-2). Amended and subsection (D) renumbered to R4-31-117 effective June 14, 1990 (Supp. 90-7). Amended effective July 3, 1991 (Supp. 91-3). Amended effective April 22, 1992 (Supp. 92-2). R20-2-102 recodified from R4-31-102 (Supp. 95-1). Section repealed; new Section R20-2-102 renumbered from R20-2-101 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

#### R20-2-103. Licensing and Fees

- A. A license is effective on the first day of the month following the date that the license application is filed with the Department. If an application is filed on the first of a month and is complete and accurate, the license is effective on the first day of that month.
- B. A payment is delinquent if the Department does not receive the payment by the due date. The Department shall not process a license or renewal application for which payment is delinquent.
- C. The Department shall prorate a license renewal fee if the licensee's first renewal is fewer than 12 months from the date that license is issued.
- D. The Department shall issue a full refund to a licensee for a

*Editor's Note: The following Section was amended under exemption from the provisions of A.R.S. Title 41, Chapter 6 pursuant to Laws 1997, Chapter 117, § 3. Exemption from Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt amendment expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-701. Definitions**

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

1. "Area A" has the same meaning as in A.R.S. § 49-541.
2. "Area B" has the same meaning as in A.R.S. § 49-541.
3. "Arizona Cleaner Burning Gasoline" or "Arizona CBG" means a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG covered area, except as provided under A.R.S. § 41-2124(K).
4. "AZRBOB" or "Arizona Reformulated Blendstock for Oxygenate Blending" means a petroleum-derived motor fuel that is intended to be or is represented to constitute Arizona CBG upon the addition of a specified type and percentage (or range of percentages) of oxygenate after the fuel has been supplied from the production or import facility at which it was produced or imported.
5. "Batch" means a quantity of gasoline that is homogeneous for those fuel properties that are specified for Arizona CBG certified under R20-2-751.
6. "Beginning of transport" means the point at which:
  - a. A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or a 3rd-party terminal; or
  - b. A registered supplier who retains custody commences transfer of Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG covered area.
7. "Blendstock" means any liquid compound that is blended with other liquid compounds to produce Arizona CBG. Deposit control additives or other similar additives registered under 40 CFR 79 are not considered blendstocks.
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 contained in area A.
9. "Conventional gasoline" means gasoline that conforms with the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.

10. "Co-solvent" means a chemical compound soluble in, and added to, a methanol-gasoline blend to prevent phase separation, reduce corrosion, and improve lubrication. A co-solvent may be any 1 or a mixture of the following:
  - a. Ethanol,
  - b. Any propanol,
  - c. Any butanol, or
  - d. Gasoline grade tertiary butyl alcohol.
11. "Designated alternative limit" means a 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 CBG or AZRBOB for purposes of compliance with the Predictive Model.
12. "Diesel" or "diesel fuel" means a refined middle distillate for use as a fuel in a compression ignition internal combustion engine.
13. "Downstream oxygenate blending" means combining AZRBOB and an oxygenate to produce fungible Arizona CBG.
14. "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.
15. "Final distribution facility" means a stationary gasoline transfer point from which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel will be delivered to a gasoline 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 the gasoline dispensing site.
16. "Fuel" means any material capable of releasing energy or power by combustion or other chemical or physical reaction.
17. "Fuel property" means any characteristic listed in R20-2-751(A)(1) through (A)(7), R20-2-751(B)(1) through (B)(7), or Table 2.
18. "Importer" means any person who assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.
19. "Motor fuel" means 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.
20. "Motor vehicle" means any vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:
  - a. Vehicles that run on, or are guided by, rails; or
  - b. Vehicles that are designed primarily for travel through air or water.
21. "MTBE" means methyl tertiary butyl ether.
22. "NOx" means oxides of nitrogen.
23. "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.
24. "Oxygenate" means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, which is able to be used as a fuel or as a gasoline blending component and is approved as a blending agent under a waiver issued by the EPA under 42 USC 7545(f).
25. "Oxygenate blending facility" means any location (including a truck) where oxygenate is added to Arizona CBG or AZRBOB, and the quality or quantity of Arizona CBG is not altered in any other manner, except for the addition of deposit control additives or other similar additives registered under 40 CFR 79.
26. "Oxygenate blender" means any person who owns, leases, operates, controls, or supervises an oxygenate blending facility, or who owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate blending facility.
27. "Oxygenated Arizona CBG" means Arizona CBG with a minimum oxygen content of 3.5% 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.
28. "Oxygen content" means the percentage by weight of oxygen contained in a gasoline oxygenate blend as calculated by ASTM D4815-94a.
29. "Performance standard" means the VOC and NOx emission reduction percentages in R20-2-751(A)(8), R20-2-751(A)(9), and Table 1.
30. "Pipeline" means a transporter who owns or operates an interstate common-carrier pipe to transport motor fuels into Arizona.
31. "PM" or "Predictive Model Procedures" means the California Predictive Model, California Air Resources Board's "California Procedures for Evaluating Alternative Specification for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995, and which is incorporated by reference in R20-2-758.
32. "PM alternative gasoline formulation" means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.
33. "PM alternative specifications" means the specifications for the following fuel properties, as determined under R20-2-759:
  - a. Maximum RVP, expressed in the nearest 100th of a pound per square inch;
  - b. Maximum sulfur content, expressed in the nearest part per million by weight;
  - c. Maximum olefin content, expressed in the nearest 10th of a percent by volume;
  - d. Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;
  - e. Maximum T50, expressed in the nearest degree Fahrenheit;
  - f. Maximum T90, expressed in the nearest degree Fahrenheit; and
  - g. Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.
34. "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 (F), (G), and (H).
35. "PM averaging limit" means a PM alternative specification that is subject to the PM averaging compliance option.
36. "PM flat limit" means a PM alternative specification that is subject to the PM flat limit compliance option.

37. "PM flat limit compliance option" means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for the specified fuel property contained in the PM alternative specifications.
38. "Produce" means:
- a. Except as otherwise provided in subsections (b) or (c), to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB. If a person blends blendstocks that are 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 of Arizona CBG or AZRBOB in accordance with this Article, without the addition of blendstocks that are not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.
  - b. If a person supplies Arizona CBG or AZRBOB to a refiner who agrees in writing to further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as the producer of the Arizona CBG or AZRBOB, the refiner is deemed the producer of the Arizona CBG or AZRBOB.
  - c. If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production facility 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 deposit control additives or other similar additives, then the oxygenate blender is not a producer of any portion of the resulting Arizona CBG, and the producer or importer of the AZRBOB is considered the producer or importer of the full volume of the resulting Arizona CBG.
39. "Producer" means a refiner or other person who produces Arizona CBG or AZRBOB.
40. "Production facility" means a facility where 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:
- a. Is owned or leased by the producer,
  - b. Is operated by or at the direction of the producer, and
  - c. Is used to store or distribute Arizona CBG or AZRBOB that is supplied only from the production facility.
41. "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.
42. "RVP" means Reid vapor pressure.
43. "Refinery" means a facility that produces liquid fuels, including Arizona CBG or AZRBOB, by distilling petroleum.
44. "Registered supplier" means any producer or importer who supplies Arizona CBG or AZRBOB and is registered with the Director under R20-2-750.
45. "Reproducibility" means the testing method margin of error as provided in the ASTM or other testing method required under this Article.
46. "Service station" means a retail business operated for the purpose of dispensing motor fuel into the fuel tanks of motor vehicles.
47. "Supply" means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.
48. "Third-party terminal" or "3rd-party terminal" means an owner or operator of a gasoline storage tank facility who accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier and relinquishes custody of Arizona CBG or AZRBOB to a transporter for interstate transport into Arizona.
49. "Transmix" means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.
50. "Transporter" means any person who is not a producer or importer and who:
- a. Causes transport of Arizona CBG or AZRBOB into Arizona; and
  - b. Does not acquire title or assume ownership of the Arizona CBG or AZRBOB.
51. "Type 1 gasoline" means a gasoline that meets the standards contained in R20-2-751(A) and Table 1.
52. "Type 2 gasoline" 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(F), (G), and (H), and:
- a. Meets the requirements in R20-2-751(A) beginning April 1 through October 31 of each year; and
  - b. Meets the requirements in R20-2-751(B) beginning November 2 through March 31 of each year.
53. "VOC" means volatile organic compound.

#### Historical Note

Former Section R4-31-204(K) and Section R4-31-205(A)(1) through (5) renumbered without change as Section R4-31-701 (Supp. 89-1). Amended as R4-31-204(O) and incorporated into R4-31-701 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-701 recodified from R4-31-701 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

**R20-2-716. Sampling and Access to Records**

- A. The Department shall obtain motor fuel samples for testing from:
1. The same dispenser used for sales to customers;
  2. The same dispenser used for dispensing motor fuel into fleet vehicles;
  3. A bulk storage facility;
  4. A common carrier having custody of motor fuel, including Arizona CBG or AZRBOB;
  5. A transporter of Arizona CBG or AZRBOB;
  6. A final distribution facility;
  7. A 3rd-party terminal having custody of Arizona CBG or AZRBOB; or
  8. An oxygenate blender or registered supplier.
- B. A person required by this Article to maintain records relating to the production, importation, blending, transport, distribution, or delivery of Arizona CBG or AZRBOB shall ensure that the records are available for Department inspection.

**Historical Note**

Adopted as R4-31-204(N) and renumbered as R4-31-716 effective September 29, 1989 (Supp. 89-3). Repealed effective October 12, 1990 (Supp. 90-4). New Section R4-31-716 adopted effective August 17, 1992 (Supp. 92-3). R20-2-716 recodified from R4-31-716 (Supp. 95-1). Former Section R20-2-716 renumbered to R20-2-712; new Section R20-2-716 renumbered from R20-2-721 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-750. Registration Relating to Arizona CBG or AZR-BOB**

- A.** Each of the following shall register with the Director prior to the 1st date that the person will produce, import, or obtain custody of Arizona CBG or AZRBOB:
1. A refiner who produces Arizona CBG or AZRBOB;
  2. An importer who imports Arizona CBG or AZRBOB;
  3. An oxygenate blender who blends oxygenate with AZRBOB to produce Arizona CBG; or
  4. A pipeline or 3rd-party terminal who has custody of Arizona CBG or AZRBOB.
- B.** A person listed in subsection (A) shall register on a form prescribed by the Director and shall include the following information:
1. Business name, business address, and contact name and telephone number;
  2. For each separate refinery and oxygenate blending facility, the facility name, physical location, contact name, telephone number, and type of facility;
  3. For each separate refinery and oxygenate blending facility, and for each 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, contact name, and telephone number; and
    - b. If an independent laboratory is used to meet the requirements of R20-2-752(F), the name, address, contact name, and telephone number of the independent laboratory.
  4. If required under 40 CFR 80.76(d), the EPA registration number; and
  5. A statement of the registrant's consent permitting the Department or its authorized agent to collect samples and access records as provided in R20-2-716.
- C.** Changes to any information in subsection (B) shall be sent to the Director not later than 10 days after the effective date of the change.
- D.** If a refiner, importer, or oxygenate blender fails to register under this Section, all Arizona CBG or AZRBOB transported to the CBG covered area is presumed noncomplying from the date that the registration should have occurred.
- E.** The Department shall maintain a listing of all registered suppliers.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

- 8. Federal Complex Model VOC Emissions Reduction Percentage  
May 1 through September 15:  $\geq 25.0\%$  (Federal Complex Model settings: Summer, Area Class B, Phase 2)

B. Wintertime requirements. In addition to the other requirements of this Article, beginning November 2 through March 31 of each year, all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates, for service station operators and fleet owners.

Fuel Property	Limits
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)
7. Oxygenate - Ethanol	
a. Minimum oxygenate content	- 10% ethanol by volume
b. Maximum oxygen content	- 4.0% oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123.
c. Alternative oxygenates may be used if approved by the Director	under A.R.S. § 41-2124(D).

C. General Elections. Except as provided in subsection (D), all registered suppliers shall make an initial election, and a subsequent election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers 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, Type 2, or the PM alternative gasoline formulation requirements; and
- 2. For each applicable fuel property or performance standard for the election in subsection (C)(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. A registered supplier shall not elect to comply with Type 1 average standards in Table 1, columns B and C, from September 16 through November 1 and April 1 through April 30.

D. Winter elections. Beginning November 2 through March 31 of each year, all Arizona CBG or AZRBOB shall comply with Type 2 gasoline requirements or the PM alternative gasoline formulation requirements under Table 2. All registered suppliers shall make an initial election, and a subsequent election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers 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 gasoline 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.

E. Certification as Type 1 or Type 2. Registered suppliers shall certify Arizona CBG or AZRBOB under R20-2-752 as meeting all requirements of the election made in subsection (C) or (D). Type 1 gasoline shall comply with the requirements in

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-751. Arizona CBG Requirements**

A. General 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. The dates in this subsection are compliance dates for service station operators and fleet owners.

**Fuel Property/Performance Standard - Limits**

- 1. Sulfur: 500 ppm by weight (max)
- 2. Aromatics: 50% by volume (max)
- 3. Olefins: 25% by volume (max)
- 4. E200: 70-30% volume
- 5. E300: 100-70% volume
- 6. Maximum Vapor Pressure
  - a. October 1 - March 31: 9.0 pounds per square inch (psi)
  - b. April: 10.0 psi
  - c. May: 9.0 psi
  - d. June 1 - September 30: 7.0 psi
- 7. Oxygen and Oxygenates
  - a. Minimum Content:
    - i. November 1 - March 31: 10% ethanol by volume  
If A.R.S. § 41-2124(E) petition in effect: 2.7% oxygen by weight (other than ethanol)
    - ii. April 1 - October 31: 0% by weight (any oxygenate)
  - b. The maximum oxygen content shall not exceed 4.0% by weight for ethanol and 3.5% by weight for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.



either column A, or columns B through D of Table 1, and shall be certified using the Federal Complex Model. For each fuel property, Type 2 gasoline 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 (F), (G), and (H), and column A of Table 2.

**F. Certification and Use of Predictive Model for Alternative PM Gasoline Formulations.**

1. Except as provided in subsections (F)(4) and (H), the use of the PM shall be 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 the California Air Resources Board according to 13 California Code of Regulations, Section 2264 and subsection (H); 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. The registered supplier shall deliver the certification to the Director before the beginning of transport of the PM alternative gasoline formulation.
4. Restrictions for elections to sell or supply final blends as PM alternative gasoline formulations.
  - a. A registered supplier may 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 any outstanding requirements to provide offsets for fuel properties at the same production or import facility under subsection (I).
  - 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 1 or more fuel properties, the registered supplier may not elect any other compliance option, including another PM alternative gasoline formulation, if outstanding requirements to provide offsets for fuel properties exist under the provisions of subsection (I). This subsection shall not preclude a registered supplier from electing another PM alternative gasoline formulation if:
    - i. The PM flat limit for 1 or more fuel properties is changed to a PM averaging limit, or a single PM averaging limit for which there are no outstanding requirements 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. Once 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 formula-

tion, the registered supplier may not use a previously assigned designated alternative limit for a fuel property to provide offsets under subsection (I).

- d. If a registered supplier notifies the Director under subsection (C) or (D) 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 (C) or (D), a final blend at that facility subject to a flat limit compliance option or an averaging compliance option.

**G. Prohibited activities regarding PM alternative gasoline formulations.**

1. A registered supplier shall not sell, offer for sale, supply, or offer to supply from its production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under R20-2-752 if any of the following occur:
  - a. The elected PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures;
  - b. The registered supplier is prohibited by subsection (F)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation;
  - c. The gasoline fails to conform with any PM flat limit in the PM alternative specifications election; or
  - d. With respect to any fuel property for which the registered supplier elects a PM averaging limit,
    - i. 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 (F)(2); or
    - ii. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (F)(2), and either of the following occur: the gasoline exceeds the designated alternative limit for the fuel property; or when the designated alternative limit for the fuel property exceeds the PM averaging limit, the exceedance is not fully offset in accordance with subsection (I).
- H. Oxygen content requirements for PM alternative gasoline formulations. All alternative PM gasoline formulations from November 1 through March 31 shall comply with oxygen content requirements for the CBG covered area. Regardless of the oxygen content, the final alternative PM gasoline formulation shall be certified using the PM with a minimum oxygen content of 2.0% by weight.
- I. Offsetting Fuel Properties and Performance Standards. Each registered supplier who elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 or 2, or the PM, shall complete physical transfer from the same production or import facility of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the gasoline exceeds the averaging standard according to the following schedule:

1. Registered suppliers electing averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after the beginning of transport of any final blend of Arizona CBG or AZRBOB from a production or import facility;
  2. Registered suppliers electing to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standards that occurs from May 1 to September 15 of each calendar year during that same time period; and
  3. Registered suppliers electing to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the summer standard that occurs from May 1 to September 15 of each calendar year during that same time period.
- J. Consequence of failure to comply with averages.
1. In addition to a penalty, if any, under R20-2-762, a registered supplier who fails to comply with the requirements of subsection (I) shall meet the applicable per-gallon standards contained in Table 1, Table 2, or for any alternative PM gasoline formulation, for a probationary period as follows:
    - a. For registered suppliers electing to comply with the standards contained in Table 1, the probationary period begins on the 1st day of the next corresponding averaging season and ends on the last day of that averaging season if the conditions of subsection (2) are met;
    - b. For registered suppliers electing 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 (I). 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 shall be 90 days.
  2. A registered supplier may 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 the plan implementation;
    - 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 (I) within 1 year of the end of a probationary period under subsection (J)(1), the registered supplier shall comply with applicable per-gallon standards for a subsequent probationary period of 2 years, or until the conditions in subsection (J)(2) are satisfied, whichever is later.
    - a. If a registered supplier elects compliance with the Table 1 standards, the probationary period begins on the 1st day of the next corresponding averaging season.
    - b. If a registered supplier elects compliance 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 (I). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period.
- K. Effect of VOC survey failure. Each time the CBG covered area fails a VOC survey conducted under R20-2-760, the VOC emissions performance reduction in R20-2-751(A)(8) and the minimum per-gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0%, not to exceed the VOC percent emissions reduction percentage per-gallon standard in Table 1, column A.
- L. Effect of NOx survey failure. Each time the CBG covered area fails a NOx survey conducted under R20-2-760, 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%.
- M. Subsequent survey compliance. If the minimum VOC emission reduction percentage or average NOx emissions reduction percentage has been made more stringent according to subsection (K) or (L) and the CBG covered area passes all emissions reduction surveys for VOC or NOx for 2 consecutive years, the applicable VOC or NOx emissions reduction percentage adjusted standard shall be reduced by an absolute 1.0% beginning in the year following the 2nd year of the compliant survey. Each standard adjusted under this subsection shall not be decreased below the following:
  1. >25.0% for the VOC Emission Reduction Percentage, May 1 - September 15, Table 1, column C; and
  2. >6.8% for the NOx Emission Reduction Percentage, May 1 - September 15, Table 1, column B.
- N. Subsequent survey failures. If a VOC or NOx emissions reduction percentage is made less stringent under subsection (M) and the CBG covered area fails a subsequent VOC or NOx survey:
  1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction percentage in R20-2-751(A)(8) and the minimum per gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0%, 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 to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0%; and
  3. The VOC or NOx emission reduction percentage for the performance standard shall not be made less stringent regardless of the results of subsequent surveys for that performance standard.
- O. Effective date for adjusted standards. If a performance standard is adjusted by operation of subsections (K), (L), (M) or (N), the effective date for the change shall begin with the next averaging season for which the standard is applicable.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-752. 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. The registered supplier shall sign the certification on a form or in a format prescribed by the Director. The certification shall include information on the shipment volumes, fuel properties as determined under R20-2-759, and performance standards for each batch of Arizona CBG or AZRBOB. For each batch transported, the registered supplier shall submit the certification to the Director on or before the 15th day of each month for the Arizona CBG or AZRBOB transported during the previous month.
- C. Recordkeeping and Records Retention.
  - 1. Each registered supplier who samples and analyzes a final blend or shipment of Arizona CBG or AZRBOB under this Section shall maintain, for 5 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 sulfur, aromatic hydrocarbon, olefin, oxygen, RVP, and as applicable, T50, T90, E200 and E300 as determined under R20-2-759.
  - 2. All Arizona CBG or AZRBOB produced or imported by a registered supplier, that is not tested as required by this Section, shall be deemed to have a RVP, sulfur, aromatic

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

- 3. A registered supplier shall provide to the Director any records maintained by the registered supplier under this subsection 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 under this Section, the final blend or shipment of Arizona CBG or AZRBOB shall be deemed supplied in violation of R20-2-751, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable standards and limits for fuel properties and performance standards.
- D. Notification requirement. A registered supplier shall notify the Director by facsimile prior to the beginning of transport of 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 QA/QC program shall be submitted to the Director for approval at least 3 months before transport of Arizona CBG or AZRBOB. Instead of a QA/QC program, a registered supplier may opt to comply with the independent testing requirements of subsection (F).
- F. Independent testing.
  - 1. A registered supplier of Arizona CBG or AZRBOB who does not comply with subsection (E) shall conduct a program of independent sample collection and analyses for the Arizona CBG or AZRBOB produced or imported, that complies with 1 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 for compliance with each fuel property or 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 produced or imported 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 total number of samples collected under subsection (F)(1)(b)(i) for analysis; and
      - iii. The designated independent laboratory shall, for each sample identified by the Director or designee, analyze the sample using methodology specified in R20-2-759 for compliance with each fuel property or performance standard for which the batch is certified.
- 2. Designation of Independent Laboratory.
  - a. A registered supplier who does not comply with subsection (E) shall designate 1 independent laboratory

The Director or designee may request a portion of the batch sample collected under subsection (a) or (b) for analysis by a laboratory selected by the Director or designee. The registered supplier shall submit the sample to the Director within 24 hours of written request.

for each production or import facility at which Arizona CBG or AZRBOB is produced or imported. 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.
- 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 laboratory.

Notwithstanding the restrictions in subsections (F)(2)(c)(i) through (iii), the Director shall consider a laboratory independent if it is owned or operated by a gasoline pipeline company owned or operated by 4 or more producers or importers.

- d. 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(9.4).
3. A registered supplier shall cause its designated independent laboratory to:
- a. Record 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 being sampled;
    - ii. The volume of the batch;
    - iii. The identification number of the gasoline storage tank or tanks 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, and the date and time the sample is collected;
    - v. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
    - vi. 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. Retain each sample collected under this subsection for at least 45 days, except this time may be extended up to 180 days upon request by the Director;
  - c. Submit to the Director a quarterly report on the 15th day of January, April, July, and October of each year. The report shall include, 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)(3)(a) for each sample; and
  - d. Supply to the Director, upon request, a portion of the sample.

**G. Exemptions to QA/QC and Independent Laboratory Testing Requirements.** A registered supplier who produces or imports Arizona CBG using computer-controlled in-line blending

equipment and is operating under an exemption from EPA under 40 CFR 80.65(f)(4), is exempt from the requirements of subsections (E) and (F), provided that reports of the results of the independent audit program of the refiner's computer-controlled in-line blending operation submitted to EPA under 40 CFR 80.65(f)(4), 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 and perform a laboratory analysis to determine a fuel property for the same batch for compliance with subsection (F), 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 2 laboratory test results is larger than the following:

Fuel Property	Range
a. Sulfur content	25 ppm by weight
b. Aromatics	2.7% by volume
c. Olefins	2.5% by volume
d. Ethanol	0.4% by volume
e. Methanol	0.2% by volume
f. MTBE (and other methyl ethers)	0.6% by volume
g. ETBE (and other ethyl ethers)	0.6% by volume
h. TAME	0.6% by volume
i. t-Butanol content	0.6% by volume
j. RVP	0.3 psi
k. 50% distillation temperature	5° Fahrenheit
l. 90% distillation temperature	5° Fahrenheit
m. E200	2.5% by volume
n. E300	3.5% by volume
o. API gravity	0.3° API

- 2. If the absolute value of the differences of the results of the analyses conducted by the registered supplier and independent laboratory is larger than the values specified in subsection (H)(1), the registered supplier shall use the following laboratory testing results for certification of Arizona CBG or AZRBOB under subsection (B):
  - a. The larger of the 2 values for the fuel property, except that the smaller of the 2 values shall be used for oxygenates; or
  - b. The registered supplier shall have 1 additional independent laboratory analyze the Arizona CBG or AZRBOB for the fuel property. If the laboratory results obtained by the additional independent laboratory is within the range listed in this subsection as compared to the results obtained by the registered supplier, the registered supplier's laboratory analysis results shall be used for Arizona CBG or AZRBOB certification under subsection (B).

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6,*

*pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-753. General Requirements for Pipelines and 3rd-party Terminals**

- A.** A pipeline or 3rd-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 3rd-party terminal registered with the Department under R20-2-750; and
  - 2. The supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in R20-2-751(A) or (B), as applicable, without reproducibility or numerical rounding.
- B.** A pipeline or 3rd-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or 3rd-party terminal shall retain the sample for at least 30 days, except this time may be extended for individual samples up to 180 days upon request by the Director.
- C.** A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a frequency of not less than 1 sample from 1 batch completing shipment per supplier per day at each input location.
- D.** A pipeline shall provide the Director with a report summarizing the laboratory testing results required in 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 any batch does not meet the standards in R20-2-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the Director by facsimile within 48 hours with 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 any batch does not meet the standards in R20-2-751(A) or (B), as applicable, including reproducibility, the pipeline or 3rd-party terminal shall notify the Director by facsimile within 24 hours with the 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 3rd-party terminal's control, the pipeline or 3rd-party terminal shall stop the release of the batch from a distribution point until the batch is certified as meeting the standards in R20-2-751(A) or (B), as applicable.
- G.** The pipeline or 3rd-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or 3rd-party terminal's laboratory testing. The QA/QC program for 3rd-party terminals 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) or (B). The pipeline or 3rd party terminal shall submit the QA/QC to the Director for approval at least 3 months before the 1st date the pipeline or 3rd-party terminal transports Arizona CBG or AZRBOB.
- H.** A portion of a facility that a 3rd-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but shall be operated in compliance with requirements

for registered suppliers in R20-2-752 and oxygenate blenders in R20-2-755, as applicable.

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

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-754. Downstream Blending Exceptions for Transmix**

- A. Pipelines may blend transmix into Arizona CBG or AZRBOB at a rate not to exceed 1/4 of 1% by volume. Each pipeline shall document the transmix blending (recording each batch and volume of transmix blended) and maintain the records at the terminal for 2 years from the date of blending.
- B. One of 2 methods shall be used to measure the transmix as it is blended into the product stream:
  - 1. Meters, calibrated at least twice each year; or
  - 2. Tank gauge as per API Manual of Petroleum Measurement Standards, Chapters 3.1A (1st edition, December 1994) and 3.1B (1st edition, April 1992), incorporated by reference and on file with the Department and the Office of the Secretary of State. A copy may also be obtained at American Petroleum Institute, 1220 L St., N.W., Washington, D.C. 20045-4070. This incorporation by reference contains no future editions or amendments.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the*

*rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-755. 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 final blend for purposes of compliance with Tables 1 or 2 are determined by adding the specified type and amount of oxygenate to a representative sample of the AZRBOB and determining the fuel properties and performance standards of the resulting gasoline according to the test methods in R20-2-759. If the registered supplier designates a range of amounts of oxygenate or more than 1 oxygenate type to be added to the AZRBOB, the minimum designated amount of the oxygenate having the smallest designated volume shall be added to the AZRBOB to determine the fuel properties and performance standards of the final blend. If a registered supplier does not comply with this subsection, compliance of the final blend with applicable fuel property standards, excluding requirements for RVP, shall be determined without adding oxygenate to the AZRBOB.

b. In determining whether AZRBOB complies with the Arizona CBG standards, the oxygenate added shall be representative of the oxygenate the registered supplier reasonably expects will be subsequently added to the final blend.

2. Calculating the volume of a final blend of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies this Section, the volume of a final blend is calculated for compliance purposes under R20-2-751 by adding the minimum designated amount of the oxygenate having the smallest volume designated by the registered supplier. If a registered supplier fails to comply with this subsection, the volume of the final blend for purposes of compliance with applicable fuel property standards shall be calculated without adding the amount of oxygenate 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 oxygenate of the types and amount (or within the range of amounts) designated in R20-2-757 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 oxygen blender who adds the type and amount (or within the range of amounts) of oxygenate designated in R20-2-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.

2. A person shall not sell or supply AZRBOB from a final distribution facility if the type and amount or range of amounts of oxygenate designated in R20-2-757 have not been added to the AZRBOB.

Restrictions on blending AZRBOB with other products. A person shall not combine any AZRBOB supplied from the facility

at which it is produced or imported with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:

1. Oxygenate of the type and 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 oxygenate type and 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 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:**

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..."; 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)". 40 CFR 80.69(a)(7), as it existed on July 1, 1996, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSO, Washington, D.C. 20402-9328.

**E. Requirements for oxygenate blenders.**

1. Requirement to add oxygenate to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender has represented that oxygenate will be added to the AZRBOB, the oxygenate blender shall add to the AZRBOB oxygenate of the types and 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 who makes a final blend of Arizona CBG by blending an oxygenate with any AZRBOB in a motor fuel storage tank, other than a truck used for delivering motor fuel to retail outlets or bulk purchaser-consumer facilities, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample, using the methodology in R20-2-759.

3. Additional requirements for oxygenate blending in trucks. An oxygenate blender who 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:

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..."; 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)". 40 CFR 80.69(e)(2), as it existed on July 1, 1996, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incor-

poration by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
  - a. An oxygenate blender who produces Arizona CBG by blending oxygenate 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 oxygenate 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; and
    - iii. Determine the volume.
  - b. If the test results for the Arizona CBG indicate that it does not contain the specified type and amount of oxygenate within 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 spot samples every 2 hours during each in-line blend of AZRBOB and oxygenate, and analyze the samples with 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
    - iv. Notify the Director in writing within 1 business day that the Arizona CBG does not comply with the requirements of this Article.

The oxygenate blender shall comply with this subsection until the Director approves the corrective action taken under subsection (iii).

5. Recordkeeping and Records Retention.
  - a. An oxygenate blender shall maintain, for 5 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. The final blend or shipment volume, and
    - v. The oxygen content as determined under R20-2-759.
  - b. Arizona CBG blended by an oxygenate blender that is not tested as required by this Section shall be deemed to have an oxygen content exceeding the standards specified in R20-2-751, or exceeding 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.
  - c. Within 20 days of the Director's written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under R20-2-755. If an oxygenate blender fails to provide records for a blend or shipment of Arizona CBG under this Section, the final blend or shipment of Arizona CBG shall be deemed in violation of R20-2-751, or deemed to exceed 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 R20-2-751.

6. Notification requirement. An oxygenate blender shall notify the Director by facsimile prior to the beginning of transport of 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 conducting laboratory sampling and analysis under subsection (E) in the oxygenate blender's own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender's laboratory testing of Arizona CBG or AZRBOB. The blender shall submit the QA/QC program to the Director for approval at least 3 months before transport of Arizona CBG. Instead of a QA/QC program, an oxygenate blender may opt to comply with the independent testing requirements of R20-2-752 (F), except that, for sampling and analysis conducted under subsection (E)(3), the minimum number of samples collected and analyzed by the independent laboratory shall be 10% of the number of samples required to be analyzed under subsection (E)(3).
8. An oxygenate blender not conducting laboratory sampling and analysis required under subsection (E) in its own laboratory shall designate an independent laboratory, as required in R20-2-752(F), to conduct all of the laboratory sampling and analysis required under subsection (E).
9. Within 24 hours of the Director or designee's written request, an oxygenate blender shall submit a portion of any sample collected under subsections (7) or (8).

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).



*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-756. 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; and
  2. The person meets the requirements in this Article applicable to producers of Arizona CBG.
- 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 1 or more of the applicable per-gallon standards contained in R20-2-751(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.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

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

- A. If a person transfers custody or title to any Arizona CBG or AZRBOB, other than when Arizona CBG is sold or dispensed at a service station or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following:
  - 1. The name and address of the transferor;
  - 2. The name and address of the transferee;
  - 3. The volume of Arizona CBG or AZRBOB being transferred;
  - 4. The location of the Arizona CBG or AZRBOB at the time of the transfer;
  - 5. The date of the transfer;
  - 6. Product transfer document number;
  - 7. Identification of the gasoline as Arizona CBG or AZRBOB;
  - 8. The minimum octane rating;
  - 9. The applicable Federal Complex Model VOC and NOx reduction percentage standards contained in R20-2-751(A) to which the Arizona CBG or AZRBOB conforms;
  - 10. For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through March 31, the type and minimum quantity of oxygenate contained in the Arizona CBG; and
  - 11. In the case of AZRBOB for which oxygenate blending is intended:
    - a. Identification of the fuel as AZRBOB, and a statement that the "AZRBOB does not comply with the

- standards for Arizona CBG without the addition of oxygenate";
  - b. The designation of the AZRBOB as suitable for blending with:
    - i. Any oxygenate;
    - ii. Ether only; or
    - iii. A specified oxygenate type or types and amount or amounts;
  - c. The oxygenate type or types and amount or amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable volume percent oxygenate and weight percent oxygen content specifications; and
  - d. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless it has the same requirements for oxygenate type or types and amount or amounts.
- B. A registered supplier, 3rd-party terminal, or pipeline may comply with subsection (A) by using standardized product codes on pipeline tickets if the codes are specified in a manual distributed by the pipeline to transferees of the Arizona CBG or AZRBOB, and the manual sets forth all required information for the Arizona CBG or AZRBOB.
  - C. Any transferee in subsection (A), other than a registered supplier, oxygenate blender, 3rd-party terminal, pipeline, service station operator, or fleet owner shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 24-month period preceding the most recent transfer or delivery. The transferee shall maintain transfer or delivery documents for the 30-day period preceding the most recent transfer or delivery at the business address listed on the product transfer document. The transferee may retain all remaining transfer or delivery documents for the preceding 24 months elsewhere but shall make them available to the Director within 2 working days from the time of request by the Director or designee.
  - D. A service station operator or fleet owner shall retain product transfer documents for each shipment of Arizona CBG delivered during the 12 months preceding that shipment. The documentation for the 3 most recent deliveries shall be maintained on the service station or fleet owners' premises. A service station operator or fleet owner may maintain documentation for the remainder of all deliveries for the 12-month period elsewhere but shall make it available to the Director within 2 working days from the time of request by the Director.
  - E. A registered supplier, oxygenate blender, 3rd-party terminal, or pipeline shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 60-month period preceding the most recent transfer or delivery. Transfer or delivery documents made during the 30-day period preceding the most recent transfer or delivery shall be maintained at the business address listed on the product transfer document. Documents for the remainder of all transfers or deliveries for the preceding 60 months shall be available within 2 working days from the time of request by the Director or designee.
  - F. Upon request by the Director or designee, a person shall present product transfer documents to the Department. Legible photocopies shall be acceptable.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to

Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-758. Adoption of Fuel Certification Models**

The following documents are incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

1. The California Predictive Model (PM), California Air Resources Board's "California Procedures for Evaluating Alternative Specification for Phase 2 Reformulated Gasoline Using the California Predictive Model", as adopted April 20, 1995 (Predictive Model Procedures). A copy may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
2. The Federal Complex Model as contained in 40 CFR 80.45, January 1, 1999. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-759. Testing Methodologies**

- A. Except as provided in subsections (C) and (D), a person certifying Arizona CBG or AZRBOB as meeting standards under Table 1 shall test the fuel with the methods under 13 California Code of Regulations, Section 2263, incorporated by reference as of January 1, 1997 and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- B. Except as provided in subsection (C), a person certifying Arizona CBG or AZRBOB as meeting standards under Table 2 shall test the fuel with methods under 13 California Code of Regulations, Section 2263, as incorporated by reference in subsection (A).
- C. A registered supplier, oxygenate blender, or 3rd-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG covered area shall measure oxygenate using ASTM D4815-94a procedures and RVP using ASTM D4814-99 standards. For Arizona CBG located in the CBG covered area, oxygenate shall be measured using ASTM D4815-94a, and RVP shall be measured using ASTM D5191-99. ASTM D4814-99, ASTM D4815-94a and ASTM D5191-99 are incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies may be obtained at American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959.
- D. Except as required in subsection (C), a registered supplier of Arizona CBG or AZRBOB may certify Type 1 Arizona CBG produced or imported at any facility using the federal test methods contained in 40 CFR 80.46 (a) through (g), incorporated by reference as of July 1, 1996, provided these are the only test methods used by that registered supplier to certify Arizona CBG or AZRBOB at that facility. 40 CFR 80.46(a) through (g) is on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-760. Compliance Surveys**

- A. A registered supplier who elects to certify that Arizona CBG or AZRBOB meets any averaging standard under R20-2-751 shall conduct compliance surveys in accordance with a survey program plan approved by the Director. The Director shall approve a survey program plan if it:
1. Consists of 4 VOC and NOx surveys during the period May 1 through September 15 of each year; and
  2. Complies with subsection (C).
- B. If a registered supplier fails to conduct an approved survey program, the Director shall issue an order requiring compliance with all applicable standards on a per-gallon basis for at least 6 months, extending through the end of the survey period identified in subsection (A)(1) and ending after the 6-month period. The requirement for compliance with per-gallon standards applies from the beginning of the survey period during which the failure occurs, regardless of when the failure to survey occurs during that period.
- C. General survey requirements.
1. A survey shall consist of all samples collected under the applicable survey design during any consecutive 7-day period and that are not excluded under subsection (C)(4).
  2. A survey shall be representative of all Arizona CBG being dispensed in the CBG covered area as provided in subsection (F).
  3. Each sample included in a survey shall be analyzed for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and RVP according to the methodologies specified in R20-2-759. RVP shall be analyzed during the time period of May 1 through September 15.
  4. The results of each survey shall be based upon the results of the analysis of each sample collected during the course of the survey, unless a sample does not comply with the applicable per gallon maximum or minimum standards for the fuel property being evaluated in addition to any reproducibility that applies to the fuel property.
  5. A survey sample that does not comply with R20-2-751, or that constitutes evidence of noncompliance with a standard or requirement under this Article, may be used by the Director in an enforcement action.
  6. Each laboratory that analyzes survey samples shall participate in a correlation program with the Director to ensure the validity of analysis results.
- D. The results of each VOC and NOx survey shall be determined as follows:
1. For each sample from the survey, the VOC and NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the applicable methodology for calculating VOC and NOx emissions reductions at 40 CFR 80.45, as incorporated by reference in R20-2-758;
  2. The CBG covered area fails the VOC survey if the VOC emissions reduction percentage average of all samples collected during that survey is less than the per-gallon standard for VOC emissions reduction percentage in Table 1, column A.
  3. The CBG covered area fails the NOx survey if the NOx emissions reduction percentage average of all samples collected during that survey is less than the per-gallon standard for NOx emissions reduction percentage in Table 1, column A.

- E. The results of each NOx survey series shall be determined as follows:
1. For each sample from a survey series, the NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the applicable methodology for calculating NOx emissions reduction under 40 CFR 80.45 as incorporated by reference in R20-2-758; and
  2. The CBG covered area fails the NOx survey series if the NOx emissions reduction percentage average for all survey samples collected during that survey series is less than the Federal Complex Model per-gallon standard for the NOx emissions reduction percentage in Table 1, column A.
- F. Each survey program shall:
1. Be designed and conducted by a person independent of the registered supplier (the surveyor). To be considered independent:
    - a. The surveyor shall not be an employee of any registered supplier;
    - b. The surveyor shall not have any obligation to or interest in any registered supplier; and
    - c. The registered supplier shall not have any obligation to or interest in the surveyor.
  2. Be designed to include enough samples to ensure that the average levels of oxygen, RVP, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95% confidence level, with error of less than 0.1 psi for RVP, 0.1% for oxygen (by weight), 0.5% for aromatic hydrocarbons (by volume), 0.5% for olefins (by volume), 5°F for T50 and T90, and 10 ppm for sulfur;
  3. Require that the surveyor:
    - a. Except as provided in subsection (G), not inform anyone, in advance, of the date or location of any survey;
    - b. Upon request of the Director, provide a duplicate of any sample taken during the survey within 30 days following submission of the survey report:
      - i. To a location specified by the Director;
      - ii. Identified by the name and address of the facility where the sample was collected; and
      - iii. Showing the date of collection.
    - c. Permit a Department official at any time to monitor the conduct of the survey, including sample collection, transportation, storage, and analysis.
  4. Require the surveyor to submit a report of each survey, within 30 days following completion of the survey, to the Director. The report shall include:
    - a. The name of the person conducting the survey;
    - b. An attestation by an officer of the surveying company that the survey was conducted according to the survey program plan and the survey results are accurate;
    - c. If the survey was conducted for 1 registered supplier, the identification of that supplier;
    - d. The identification of the area from which gasoline samples were selected;
    - e. The dates on which the survey was conducted;
    - f. The address of each facility at which a gasoline sample was collected, and the date of collection;
    - g. The results of the analyses of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP, the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (A)(1);
    - h. The name and address of each laboratory where gasoline samples were analyzed;
    - i. A description of the methodology used to select the locations for sample collection and the numbers of samples collected;
    - j. For any samples that were excluded from the survey, a justification for the exclusion; and
    - k. The average VOC and NOx emissions reduction percentage.

- G. Each survey shall be commenced on a date selected by the Director. The Director shall notify the surveyor of the date selected at least 10 business days before the beginning date of the survey.
- H. The procedure for seeking Director approval for a survey program plan is:
  - 1. The person seeking survey program plan approval shall submit the plan to the Director for the Director's approval no later than January 1 to cover the survey period of May 1 through March 31 of each year; and
  - 2. The survey program plan shall be signed by a corporate officer of the registered supplier, or in the case of a comprehensive survey program plan, by an officer of the organization coordinating the survey program.
- I. No later than April 1 of each year, the registered supplier's contract with the surveyor to carry out the entire survey plan for the next summer and winter season shall be in effect, and the registered supplier shall pay an amount of money necessary to carry out the entire survey plan to the surveyor or place the money into an escrow account with instructions to the escrow agent to pay the money over to the surveyor during the course of the conduct of the survey plan. No later than April 15 preceding the period in which a survey will be conducted, the registered supplier shall give the Director a copy of the contract with the surveyor, proof that the money necessary to carry out the plan has either been paid to the surveyor or placed into an escrow account, and if placed into an escrow account, a copy of the escrow agreement.

#### **Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

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; and
  2. That each time Arizona CBG or AZRBOB is noncompliant with 1 of the requirements in R20-2-751:
    - 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.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-761. 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, 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.

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-762. Penalties**

Any person who violates any provision of this Article is subject to the following:

1. Prosecution for a Class 2 misdemeanor under A.R.S. § 41-2113(B)(4);
2. Civil penalties in the amount of \$500 per violation under A.R.S. § 41-2115; and
3. Stop-use, stop-sale, hold, and removal orders under A.R.S. § 41-2066(A)(2).

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).



9/21/09

## ARTICLE 9. GASOLINE VAPOR CONTROL

### R20-2-901. Material Incorporated by Reference

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

1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. *San Diego County Air Pollution Control District Test Procedure TP-96-1*, March 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.
3. The following CARB test procedures:
  - a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

#### Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective

February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-901 recodified from R4-31-901 (Supp. 95-1). Section R20-2-901 repealed; new Section R20-2-901 renumbered from R20-2-902 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-902. Exemptions**

- A. To obtain an exemption from this Article, a person shall submit a written request to the Department and attest that gasoline throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2132(C). 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.
- B. 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.
- C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-902 recodified from R4-31-902 (Supp. 95-1). R20-2-902 renumbered to R20-2-901; new Section R20-2-902 renumbered from R20-2-903 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-903. 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 R20-2-901; 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.
- B. 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.
- 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 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 gasoline storage tanks.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-903 recodified from R4-31-903 (Supp. 95-1). R20-2-903 renumbered to R20-2-902; new Section R20-2-903 renumbered from R20-2-904 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-904. 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. An application fee.
- 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 shall be 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 facsimile 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.
- H. An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-904 recodified from R4-31-904 (Supp. 95-1). R20-2-904 renumbered to R20-2-903; new Section R20-2-904 renumbered from R20-2-905 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-905. 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) 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) 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.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days

(Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-905 recodified from R4-31-905 (Supp. 95-1). R20-2-905 renumbered to R20-2-904; new Section R20-2-905 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-907. Operation**

- A. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II 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 shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.
  - C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment.
  - D. The owner or operator shall immediately stop using a Stage II vapor recovery system or component if one or more of the following system or component defects occur:
    1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
    2. When more than 1/4 of the cone is missing for vapor assist systems having bellowsless nozzles with flexible vapor deflecting cones;
    3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring one inch or more in length;
    4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
    5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
    6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;
    7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in the tip of the spout is loose;
    8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only one nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
    9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
    10. A dispenser mounted vacuum pump that is not functioning;
11. Any vapor recovery hose and, as applicable, the accompanying whip hoses, that:
    - a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
    - b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
    - c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
    - d. Does not swivel at the hose/nozzle connection; or
    - e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
  12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
  13. The Stage I installation is not properly installed or maintained, in that:
    - a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
    - b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
    - c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
    - d. A fill tube is missing, not sealed, has holes, broken or damaged overfill preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;
  14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;
  15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
  16. An above-ground storage tank that does not display a permanently attached UL approval plaque;
  17. A vacuum assist system with an inoperative central vacuum unit;
  18. A vacuum assist system with an inoperative vapor processing (burner) unit;
  19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
  20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.

9/21/09

- E. The owner or operator shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) and this Article.
- F. For a stage II vacuum-assist vapor recovery system, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by facsimile no more than one day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within five days of the repair to the Department.
- G. Proper operation of the stage I system, pursuant to A.R.S. § 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

#### Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-907 recodified from R4-31-907 (Supp. 95-1). R20-2-907 renumbered to R20-2-908; new Section R20-2-907 renumbered from R20-2-906 and amended effective October 8, 1998 (Supp. 98-4).

9/21/09

**R20-2-908. Training and Public Education**

- A.** Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and documentation to the Department on request.
- B.** In addition to the information required in A.R.S. § 41-2132(F), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-908 recodified from R4-31-908 (Supp. 95-1). R20-2-908 renumbered to R20-2-909; new Section R20-2-908 renumbered from R20-2-907 and amended effective October 8, 1998 (Supp. 98-4).



9/21/09

**R20-2-909. 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 pursuant to 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 from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) 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. An owner or operator 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.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Section R4-31-909 adopted as an emergency rule permanently adopted and renumbered to R4-31-910, new Section R4-31-909 adopted effective August 31, 1993 (Supp. 93-3). R20-2-909 recodified from R4-31-909 (Supp. 95-1). R20-2-909 renumbered to R20-2-210; new Section R20-2-909 renumbered from R20-2-908 and amended effective October 8, 1998 (Supp. 98-4).

9/21/09

**R20-2-910. Annual Inspection and Testing**

- A. A person shall ensure that an annual inspection, as required by A.R.S. § 41-2065(A)(15), 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 facsimile or electronic 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) 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 facsimile or electronic 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.

**Historical Note**

Section R4-31-910 renumbered from emergency rule R4-31-909 and permanently adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-910 recodified from

R4-31-910 (Supp. 95-1). R20-2-910 renumbered to R20-2-912; new Section R20-2-910 renumbered from R9-2-909 and amended effective October 8, 1998 (Supp. 98-4).

Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-911. 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.

**Historical Note**

Adopted effective October 8, 1998 (Supp. 98-4).  
Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

9/21/09

**R20-2-912. Enforcement**

If the Department finds that a stage II vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator an administrative order and place a stop-sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage II vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 41, Chapter 15 and this Chapter before the vapor recovery system or component is placed in service.

**Historical Note**

Section R20-2-912 renumbered from R20-2-910 and amended effective October 8, 1998 (Supp. 98-4).  
Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

*Editor's Note: The following Table was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit this Table to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish this Table in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the Table (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**Table 1. Type 1 Gasoline Standards**

Performance Standard/Fuel Property**	Non-averaging Option	Averaging Option		
	A	B	C	D
	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥ 27.5	≥ 29.0	≥ 25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥ 5.5	≥ 6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - Nov. 1 and April 1 - April 30***	≥ 0.0	N/A	N/A	N/A
Oxygen content: ethanol, (% by weight unless otherwise noted) Nov. 2 - March 31*** April 1 - Nov. 1	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than ethanol, (% by weight) Nov. 2 - March 31*** April 1 - Nov. 1	N/A 0.0	N/A N/A	N/A 0.0	N/A 2.7

\* Maximum oxygen content must comply with the EPA oxygenate waiver requirements.  
 \*\* Dates represent compliance dates for service stations and fleet owners.  
 \*\*\* Registered suppliers shall certify all Arizona CBG as Type 2 gasoline meeting the standards in Table 2 beginning November 2 through March 31.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 1 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

*Editor's Note: The following Table was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit this Table to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish this Table in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the Table (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

Table 2. Type 2 Gasoline Standards

Fuel Property	Averaging Option		Non-averaging Option	Units of Standard
	A	B	C	
	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard * (per gallon maximum)	
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: ethanol**** Nov. 2 - March 31 April 1 - Nov. 1	10% ethanol 2.7	-- --	10% ethanol 2.7**	% by vol. % by weight
Oxygen content: other than ethanol**** Nov. 2 - March 31 April 1 - Nov. 1	3.5*** 2.7	-- --	3.5*** 2.7**	% by weight % by weight
<p>* Instead of the standards in columns B and C, a registered supplier may elect to comply with the standards contained in column A, and R20-2-751(F), (G), and (H) for the use of the PM.</p> <p>** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>*** Non-ethanol oxygenate is allowed only if approved by the Director under A.R.S. § 41-2124(D). Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>**** A registered supplier shall certify all Arizona CBG using ethanol as the oxygenate beginning November 2 through March 31. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).</p> <p>NOTE: Dates represent compliance dates for service stations and fleet owners.</p>				

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 2 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).