

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

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December 4, 2008 version 3

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ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

R20-2-701. Definitions

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

“ADDRESS” MEANS A STREET NUMBER, STREET NAME, CITY, STATE, AND ZIP CODE.

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

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

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

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

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

“Beginning of transport” means the point at which:

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

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

“BIOFUEL” MEANS A SOLID, LIQUID, OR GASEOUS FUEL THAT IS DERIVED FROM BIOMASS AND THAT WHICH CAN BE USED DIRECTLY FOR HEATING OR POWER OR AS A MOTOR FUEL.

“BIOFUEL BLEND” MEANS A MOTOR FUEL THAT IS COMPRISED OF A BIOFUEL, THAT IS COMBINED WITH A PETROLEUM BASED FUEL AND THAT IS DESIGNATED BY THE VOLUME PERCENTAGE OF BIOFUEL IN THE BLEND.

“BIOFUEL DISTRIBUTOR” MEANS A PERSON THAT IS ENGAGED IN THE TRANSPORTATION, MARKETING OR SALE OF BIOFUELS OR BIOFUELS BLENDS.

“BIOMASS” MEANS BIOLOGICAL MATERIAL, SUCH AS PLANT OR ANIMAL MATTER, MATERIAL, EXCLUDING ORGANIC MATERIAL THAT WHICH HAS BEEN TRANSFORMED BY GEOLOGICAL PROCESSES INTO SUBSTANCES SUCH AS COAL PETROLEUM OR DERIVATIVES THEREOF, WHICH THAT MAY BE TRANSFORMED INTO BIOFUEL.

“BIODIESEL” MEANS A DIESEL FUEL SUBSTITUTE THAT IS PRODUCED FROM NONPETROLEUM RENEWABLE RESOURCES, AS DEFINED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY EPA, AND THAT MEETS THE REGISTRATION REQUIREMENTS FOR FUELS AND FUEL ADDITIVES ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION 211 OF THE CLEAN AIR ACT AS DEFINED IN SECTION 49-401.01.

“BIODIESEL (MONO ALKYL ESTER)” MEANS A BIODIESEL OR FUEL ADDITIVE WHICH IS ALL THE FOLLOWING:

1. REGISTERED AS A MOTOR VEHICLE FUEL OR FUEL ADDITIVE UNDER 40 CFR PART 79.
2. A MONO-ALKYL ESTER
3. MEETS ASTM D 6751
4. INTENDED FOR USE IN ENGINES THAT ARE DESIGNED TO RUN ON CONVENTIONAL DIESEL FUEL.

5. DERIVED FROM NONPETROLEUM RENEWABLE RESOURCES AS DEFINED BY EPA.

“BIODIESEL BLEND” MEANS A MOTOR FUEL THAT IS COMPRISED OF BIODIESEL AND DIESEL FUEL AND THAT IS DESIGNATED BY THE LETTER “B”, FOLLOWED BY THE NUMERIC VALUE OF THE VOLUME PERCENTAGE OF BIODIESEL IN THE BLEND. (MONO-ALKYL ESTER) AND DIESEL FUEL DESIGNATED BXX, WHERE XX REPRESENTS THE VOLUME PERCENTAGE OF BIODIESEL IN THE BLEND.

~~“Biodiesel” means a diesel fuel substitute that satisfies all of the following:~~

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

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

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

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

“BIODIESEL (MONO-ALKYL ESTER) BLEND” MEANS A MOTOR FUEL THAT IS COMPRISED OF BIODIESEL (MONO-ALKYL ESTER) AND DIESEL FUEL, DESIGNATED BXX WHERE XX REPRESENTS THE VOLUME PERCENTAGE OF BIODIESEL (MONO-ALKYL ESTER) IN THE BLEND.

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

“CARB” means the California Air Resources Board.

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

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

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

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

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

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

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

“Diesel” or “diesel fuel” means a refined middle distillate ~~for use~~ **THAT IS USED** as a motor fuel in a compression-ignition internal-combustion engine **AND THAT MEETS THE SPECIFICATIONS OF ASTM D975.**

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

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

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

“EPA” means the United States Environmental Protection Agency.

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

“FINAL DESTINATION” MEANS THE NAME AND ADDRESS OF THE LOCATION TO WHICH A TRANSFEREE WILL DELIVER MOTOR FUEL FOR FURTHER DISTRIBUTION OR FINAL CONSUMPTION.

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

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

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

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

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

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

“JOBBER” MEANS A PERSON OR ENTITY WHO DISTRIBUTES MOTOR FUELS FROM A BULK STORAGE PLANT TO A UST OR AST OWNER OR OPERATOR OR PURCHASES MOTOR FUEL FROM A TERMINAL FOR DISTRIBUTION TO A UST OR AST OWNER OR OPERATOR.

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

“MOTOR FUEL MARKETER” MEANS A PERSON OR ENTITY ENGAGED IN PROMOTING OR SELLING MOTOR FUELS.

“Motor fuel” means petroleum or a petroleum-based substance such as motor gasoline, any grade of oxygenated gasoline, aviation fuel, number one or number two diesel fuel including neat biodiesel, or a biodiesel blend, and E85 typically used in the operation of a motor engine.

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

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

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

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

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

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

“MTBE” means methyl tertiary butyl ether.

“NEAT” MEANS PURE OR 100 PERCENT; NOT BLENDED WITH **MOTOR FUEL**.

“NOx” means oxides of nitrogen.

“Octane,” “octane number,” or “octane rating” mean the antiknock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM D 2699 and ASTM D 2700.

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

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

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

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

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

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

“PRESSURANT” MEANS A BLENDSTOCK COMPONENT OF AN E85 BLEND FOR SALE WITHIN THE CBG-COVERED AREA SPECIFICALLY ADDED TO ENSURE THE RVP MEETS ASTM D 5798 REQUIREMENTS

“Pipeline” means a transporter that owns or operates an interstate common-carrier pipe **OR IS REGULATED BY FERC TARIFFS** to transport motor fuels into Arizona.

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

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

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

Maximum ~~RVP~~ VAPOR PRESSURE expressed in the nearest 100th of a pound per square inch;

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

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

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

Maximum T50, expressed in the nearest degree Fahrenheit;

Maximum T90, expressed in the nearest degree Fahrenheit; and

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

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

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

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

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

“Produce” means:

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

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

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

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

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

Is owned or leased by the producer;

Is operated by or at the direction of the producer; and

Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the production facility.

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

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

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

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

"NON-ESTER RENEWABLE DIESEL" MEANS A NON-ESTER BIODIESEL OR FUEL ADDITIVE WHICH IS ALL OF THE FOLLOWING:

1. REGISTERED AS A MOTOR VEHICLE FUEL OR FUEL ADDITIVE UNDER 40 CFR PART 79.
2. NOT A MONO-ALKYL ESTER.
3. INTENDED FOR USE IN ENGINES THAT ARE DESIGNED TO RUN ON CONVENTIONAL DIESEL FUEL.
4. DERIVED FROM NONPETROLEUM RENEWABLE RESOURCES AS DEFINED BY EPA.

"NON-ESTER RENEWABLE DIESEL BLEND" MEANS A MOTOR FUEL THAT IS COMPRISED OF NON-ESTER RENEWABLE DIESEL AND DIESEL FUEL, DESIGNATED BXX, WHERE XX REPRESENTS THE VOLUME PERCENTAGE OF NON-ESTER RENEWABLE DIESEL IN THE BLEND.

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

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

“TERMINAL” MEANS A BULK MOTOR FUEL STORAGE FACILITY WHERE MOTOR FUELS ARE STORED PRIOR TO DISTRIBUTION INTO COMMERCE.

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

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

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

“TRANSFEROR” MEANS THE PERSON WHO RELINQUISHES TITLE OR CUSTODY OF A MOTOR FUEL TO A TRANSPORTER, MARKETER, JOBBER OR MOTOR FUEL DISPENSING SITE.

“TRANSFeree” MEANS THE PERSON WHO RECEIVES TITLE TO OR CUSTODY OF A MOTOR FUEL.

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

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

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

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

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

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

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

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

“VOC” means volatile organic compound.

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

R20-2-702. Material Incorporated by Reference

- A. The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no future editions or amendments.
1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 1, 1998 Edition, Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, D.C. 20402-9328.
 2. ASTM D 975-08a ~~07b4e~~, Standard Specification for Diesel Fuel Oils, 2004, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
 3. ASTM D 4806-0704a, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, 2004, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
 4. ASTM D 4814-07a04a, Standard Specification for Automotive Spark-Ignition Engine Fuel, 2004, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
 5. Waiver Requests under Section 211(f) of the Clean Air Act, (August 22, 1995 edition), United States Environmental Protection Agency, Transportation and Regional Programs Division, Fuels Program Support Group, Mail Code 6406-J, Washington, D.C. 20460.

6. ASTM D 5798-0799, Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines, re-approved 2004, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
7. [ASTM D 6751-07be103a](#), Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, 2003, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
8. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," adopted April 20, 1995. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
- ~~9. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as amended April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.~~
409. 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.
- 44.10. California Air Resources Board, The California Reformulated Gasoline Regulations, Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending), as of April 9, 2005. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
- ~~42.~~ 11. California Air Resources Board, Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB), adopted April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
12. 2. [ASTM D7467-08](#), Standard Specification for Diesel Fuel Oils, 2004, ASTM INTERNATIONAL (FORMERLY American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

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

R20-2-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers

- A. After completing an inspection, the Department shall return all motor fuel to the owner or operator of the service station at the site where the Department collected the motor fuel.
- B. After completing an inspection, if a motor fuel cannot be returned to the owner or operator of the service station at the site where the Department collected the motor fuel, the Department shall transport the motor fuel to another site of the owner or operator's choice and within a 20-mile radius of the inspection site.

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

- A. A person who owns or operates a service station that has an external sign shall ensure that the sign:
 1. Identifies whether the price differs depending on whether the payment is cash, credit, or debit;
 2. Identifies the self-service and full-service prices, if different;
 3. Discloses the full price of motor fuel including fractions of a cent and all federal and state taxes, if the sign displays the motor fuel price. A decimal point shall be used in the displayed price when a dollar sign precedes the posted price;
 4. Displays lettering at a height of at least 1/5 of the letter height of the motor fuel price displayed on the external sign or 2 1/2", whichever is larger, and is visible from the road;

5. States the terms of any condition if the displayed price is conditional upon the sale of another product or service. The terms of any condition shall comply with the letter height requirement in subsection (A)(4);
 6. Describes diesel fuel as No. 1 diesel, #1 diesel, No. 2 diesel, #2 diesel, or biodiesel [BLEND](#); and
 7. Identifies the unit of measure of the price, if it is other than per gallon.
- B.** Effective June 5, 2004, if a sign uses the following terms to describe a gasoline grade or gasoline-oxygenate blend, the grade or blend shall meet the following minimum antiknock index:

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

R20-2-705. Price, Octane, and Lead-substitute Notification on Dispensers

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

R20-2-706. Unattended Retail Dispensers

In addition to all labeling and sign requirements in this Article, an owner or operator of an unstaffed service station shall post on or next to each motor fuel dispenser a sign or label, in public view, that conspicuously lists the owner's or operator's name, address, and telephone number.

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

A. If a person transfers custody or title to a motor fuel that is not Arizona CBG or AZRBOB, and the motor fuel is not sold or dispensed at a service station or fleet vehicle fueling facility, the person shall provide to the transferee documents that include the following information:

- ~~1. The name and address of the person transferring custody or title;~~
- ~~2. The name and address of the transferee;~~
- 3.1. The grade of the motor fuel;
- 4.2. The volume of each grade of motor fuel being transferred;
- ~~5.3. The date of the transfer;~~
- ~~6.4. Product transfer document number;~~
- 7.5. For conventional gasoline, the minimum octane rating of each grade;
- 8.6. For conventional gasoline, the type and maximum volume of oxygenate contained in each grade;
- 9.7. For conventional gasoline transported in or through the CBG covered area, the statement, "This gasoline is not intended for use inside the CBG covered area"; and
- ~~10.8. Whether a lead substitute is present in the gasoline and the type of lead substitute present.~~

9. FINAL DESTINATION AS IT APPLIES TO THE TRANSFEROR.

A. WHEN A TERMINAL IS ACTING AS A TRANSFEROR, THE TERMINAL IS REQUIRED TO SUPPLY THE TERMINAL NAME AND ADDRESS, THE TRANSPORTER NAME AND ADDRESS AND THE FINAL DESTINATION WHICH COULD BE A FINAL DISTRIBUTION FACILITY. A JOBBER, A MOTOR FUEL MARKETER, OR A MOTOR FUEL DISPENSING SITE AS PROVIDED BY THE TRANSFEREE.

B. WHEN A TRANSPORTER IS ACTING AS A TRANSFEROR THE TRANSPORTER IS REQUIRED TO SUPPLY THE TRANSPORTER NAME AND ADDRESS AND THE FINAL DESTINATION WHICH IS THE LOCATION WHERE THE MOTOR FUEL WILL BE DELIVERED AND WILL BE OFF LOADED FROM THE TRUCK.

C. WHEN THE JOBBER OR MOTOR FUEL MARKETER IS ACTING AS THE TRANSFEROR, THE JOBBER OR MOTOR FUEL MARKETER IS REQUIRED TO SUPPLY THE JOBBER OR MOTOR FUEL MARKETER'S NAME AND ADDRESS AND THE FINAL DESTINATION, WHICH COULD BE A FINAL DISTRIBUTION FACILITY OR A MOTOR FUEL DISPENSING SITE.

10. IT IS THE RESPONSIBILITY OF THE TRANSFEREE TO SUPPLY TO THE TRANSFEROR THE ADDRESS OF THE FINAL DESTINATION.

- B. A registered supplier, third-party terminal, or pipeline may use standardized product codes on pipeline tickets as the product transfer documentation.
- C. A person identified in subsection (A) shall retain product transfer documentation for each shipment delivered for 12 months. This documentation shall be available within two working days from the time of the Department's request.
- D. A person identified in subsection (A) shall maintain product transfer documentation for a transfer or delivery during the preceding 30 days at that person's address listed on the product transfer documentation.
- E. A service station owner or operator or fleet owner shall maintain product transfer documentation for the three most recent deliveries of each grade of motor fuel on the service station owner's or operator's or fleet owner's premises. This documentation shall be available for Department review.
- F. The Department shall accept a legible photocopy of a product transfer document instead of the original.
- G. A person transferring custody or title of Arizona CBG or AZRBOB shall comply with R20-2-757.

H. IN THE CASE OF THE TRANSFER OF CUSTODY OR TITLE OF A BIOFUEL OR BIOFUEL BLEND A PERSON SHALL PREPARE THE PRODUCT TRANSFER DOCUMENTS IN A MANNER THAT NOTIFIES THE TRANSFEREE OF ANY PERCENTAGE OF BIOFUEL IN THE FINISHED PRODUCT.

R20-2-708. GASOLINE ETHANOL BLENDS ~~Oxygenated Fuel Blends~~

A. A person that has custody of gasoline blended with an oxygenate shall ensure that the amount of oxygenate does not exceed the amount allowed by EPA waivers, Section 211(f) of the Clean Air Act, and A.R.S. § 41-2122. The maximum oxygen content of gasoline OXYGENATE BLENDS shall not exceed 3.7 percent by weight for fuel ethanol OXYGENATE, and as specified in A.R.S. § 41-2122 for other oxygenates.

B. SPECIAL PROVISIONS FOR GASOLINE ETHANOL BLENDS:

1. ANY GASOLINE ETHANOL BLEND WHICH MEETS THE REQUIREMENTS OF PARAGRAPH (1)(A) THROUGH (1)(C) OF THIS SECTION SHALL NOT EXCEED THE ASTM D 4814 VAPOR PRESSURE BY MORE THAN ONE POUND PER SQUARE INCH (1.0 PSI).
 - A. IN ORDER TO QUALIFY FOR THE SPECIAL REGULATORY TREATMENT SPECIFIED IN (B)(1), THE GASOLINE ETHANOL BLEND MUST CONTAIN FUEL ETHANOL. THE CONCENTRATION OF THE FUEL ETHANOL, EXCLUDING THE REQUIRED DENATURING AGENT, MUST BE AT LEAST 9% AND NO MORE THAN 10% (BY VOLUME) OF THE GASOLINE ETHANOL BLEND DURING THE PERIOD MAY 1 THROUGH SEPTEMBER 15. FOR THE PERIOD SEPTEMBER 16 THROUGH APRIL 30, THE CONCENTRATION OF FUEL ETHANOL, EXCLUDING THE REQUIRED DENATURING AGENT, MUST BE AT LEAST 1.5% (BY WEIGHT) AND NO MORE THAN 10% (BY VOLUME) OF THE GASOLINE ETHANOL BLEND.
 - B. THE ETHANOL CONTENT OF THE GASOLINE ETHANOL BLEND SHALL BE DETERMINED USING THE APPROPRIATE TEST METHOD LISTED IN ASTM D 4814.
 - C. THE MAXIMUM ETHANOL CONTENT SHALL NOT EXCEED ANY APPLICABLE WAIVER CONDITION UNDER SECTION 211(F) OF THE CLEAN AIR ACT.
2. SPECIAL PROVISIONS IN R20-2-708(B)(1) ARE EFFECTIVE FOR:
 - A. GASOLINE ETHANOL BLENDS SOLD OUTSIDE THE CBG COVERED AREA YEAR ROUND AND
 - B. WITHIN THE CBG COVERED FOR [APRIL](#) AND OCTOBER
3. GASOLINE-OXYGENATE BLENDS SHALL MEET THE FOLLOWING REQUIREMENTS:
 - A. THE VERSION OF ASTM D 4814, "STANDARD SPECIFICATION FOR AUTOMOTIVE SPARK IGNITION ENGINE FUEL" SPECIFIED IN R20-2-702. GASOLINE BLENDED WITH ETHANOL AT CONCENTRATIONS UP TO TEN PERCENT BY VOLUME SHALL BE BLENDED UNDER ANY OF THE FOLLOWING THREE OPTIONS:
 1. THE BASE GASOLINE MEETS ASTM D 4814 AND THE ETHANOL MEETS ASTM D 4806. THE FINISHED BLEND MEETS ASTM D 4814 WITH THE FOLLOWING PERMISSIBLE EXCEPTIONS:
 - A. THE DISTILLATION MINIMUM TEMPERATURE AT THE 50 VOLUME PERCENT EVAPORATED POINT SHALL NOT BE LESS THAN 66°C (150 °F)
 - B. THE MINIMUM TEST TEMPERATURE AT WHICH THE VAPOR/LIQUID RATIO IS EQUAL TO 20 SHALL BE WAIVED.
 2. THE BLEND SHALL MEET THE REQUIREMENTS OF ASTM 4814, OR

3. THE BASE GASOLINE USED IN SUCH BLENDS SHALL MEET ALL THE REQUIREMENTS OF ASTM D 4814 EXCEPT DISTILLATION., THE FINISHED BLEND MEETS ASTM D 4814 WITH THE FOLLOWING PERMISSIBLE EXCEPTIONS:

- A. THE DISTILLATION MINIMUM TEMPERATURE AT THE 50 VOLUME PERCENT EVAPORATED POINT SHALL NOT BE LESS THAN 66°C (150 °F)
- B. THE MINIMUM TEST TEMPERATURE AT WHICH THE VAPOR/LIQUID RATIO IS EQUAL TO 20 SHALL BE WAIVED.

D. EACH PRODUCT TRANSFER DOCUMENT ACCOMPANYING THE GASOLINE SHIPMENT TO ITS FINAL DESTINATION SHALL CONTAIN A LEGIBLE AND CONSPICUOUS STATEMENT THAT THE GASOLINE BEING SHIPPED CONTAINS ETHANOL AND THE PERCENTAGE CONCENTRATION OF ETHANOL.

R20-2-709. Retail Oxygenated Fuel Labeling

- A. The owner or operator of a motor fuel dispensing site shall ensure that a motor fuel dispenser that offers gasoline containing fuel ethanol that results in a gasoline blend containing 1.5 percent or more by weight of oxygen is clearly labeled with the fuel ethanol volume information. Each face of each motor fuel dispenser shall be clearly labeled with the oxygenate volume information if the percent by volume is more than 4.3 percent by volume of fuel ethanol.
- B. The owner or operator of a motor fuel dispensing site shall ensure that labels required under subsection (A) are displayed on the upper 60 percent of each face of each motor fuel dispenser. The label indicating the maximum percent by volume of oxygenate contained in the oxygenated fuel shall state: “MAY Contains up to _____ % fuel ethanol.”
- C. In the CBG-covered area and area B, the owner or operator of a motor fuel dispensing site shall ensure that a label displayed on each face of each motor fuel dispenser contains the following statement: “This gasoline is oxygenated and will reduce carbon monoxide emissions from motor vehicles IN THE WINTER.” The statement may be printed on the label required in subsection (B) or on a separate label. If the statement is printed on a separate label, the label shall be displayed next to the label required in subsection (B).
- D. The owner or operator of a motor fuel dispensing site shall ensure that:
 - 1. The label required by subsection (B) is clean, legible, and visible at all times;
 - 2. The label is printed in black or white block letters on a sharply contrasting background; and
 - 3. The lettering on labels required by subsections (B) and (C) is no less than 1/4”.

R20-2-710. Blending Requirements

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

R20-2-711. Alcohol-oxygenated Gasoline Storage Tank Requirements

- A. Before a person adds an alcohol-oxygenated gasoline into a storage tank, the person shall:
 - 1. Test the storage tank for the presence of water and, if any water is detected, remove the water from the storage tank; and

2. Install a fuel filter designed for use with alcohol-oxygenated gasoline in the fuel line of all motor fuel dispensers that dispense alcohol-oxygenated gasoline.
- B.** If water is detected in a storage tank or in an alcohol-oxygenated gasoline in a storage tank, the owner or operator shall empty the storage tank.

R20-2-712. Water in Service Station Motor Fuel Storage Tanks

A service station owner or operator shall ensure that water in a service station motor fuel storage tank other than an alcohol gasoline blend, does not exceed 1” in depth when measured from the bottom through the fill pipe. The service station owner or operator shall remove all water from the tank before delivery or sale of motor fuel from that tank.

R20-2-713. Motor Fuel Storage Tank Labeling

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

R20-2-714. Requirements for Motor Fuels OTHER THAN ARIZONA CLEANER BURNING GASOLINE ~~Outside the CBG-covered Area~~

- A.** A person that owns or operates a motor fuel dispensing site or transmix or production facility outside the CBG-covered area shall ensure that a motor fuel offered for sale at the motor fuel dispensing site or transmix or production facility meets all the appropriate specifications in R20-2-702 except:
1. From May 1 through September 30, gasoline shall meet the specifications in ASTM D 4814-04a except maximum vapor pressure shall be 9.0 pounds per square inch;
 2. ~~For gasoline blends, the vapor pressure may be no more than one pound per square inch greater than the vapor pressures established by ASTM D 4814-04a during:~~
 - a. ~~May 1 through September 15, if the gasoline fuel ethanol blend meets the requirements of ASTM D 4814-04a, the volatility requirements of subsection (A)(1), and the final gasoline fuel ethanol blend contains at least nine percent fuel ethanol by volume but does not exceed the volume specified in EPA waivers; and~~
 - b. ~~September 16 through April 30, if the gasoline fuel ethanol blend meets the requirements of ASTM D 4814-04a and the final gasoline fuel ethanol blend contains at least 1.5 percent fuel ethanol by weight but does not exceed the volume specified in EPA waivers.~~
- B.** The owner or operator of a motor fuel dispensing site shall ensure that the finished gasoline is visually free of water, sediment, and suspended matter and is clear and bright at ambient temperature or 70° F (21° C), whichever is greater.

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

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

- A. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, the producer of a motor fuel shall test the motor fuel for its motor fuel properties using the methodologies in R20-2-702 and ensure that the motor fuel meets the applicable specifications in the material incorporated by reference in R20-2-702.
- B. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, a person testing #1 or #2 diesel fuel shall use the methodologies and meet the specifications of ASTM D 975-04e.
- C. The owner or operator of a transmix or production facility shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating determined and certified in accordance with 16 CFR 306 using the average of ASTM D 2699 and ASTM D 2700, also known as the (R+M)/2 method. The owner or operator of a motor fuel dispensing site shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating posted in accordance with 16 CFR 306.

R20-2-716. Sampling and Access to Records

- A. The Department shall obtain motor fuel samples for testing from:
 1. The same motor fuel dispenser used for sales to customers;
 2. The same motor fuel dispenser used for dispensing motor fuel into fleet vehicles;
 3. A bulk storage facility;
 4. A pipeline having custody of motor fuel, including Arizona CBG or AZRBOB;
 5. A transporter of motor fuel, including Arizona CBG or AZRBOB;
 6. A final distribution facility;
 7. A third-party terminal having custody of motor fuel, including Arizona CBG or AZRBOB;
 8. An oxygenate blender or registered supplier; or
 9. A transmix or production facility.
- B. An owner or operator of a motor fuel dispensing site, pipeline, third-party terminal, or storage, transmix, production, or distribution facility, or a transporter, registered supplier, or oxygenate blender shall maintain for five years records relating to producing, importing, blending, transporting, distributing, delivering, testing, or storing motor fuels, including Arizona CBG or AZRBOB, and shall make the records available for Department inspection upon request.

R20-2-717. Hold-open Latch Exception

If an owner or operator of a motor fuel dispensing site has a motor fuel nozzle equipped with a hold-open latch, the owner or operator shall ensure that the latch operates according to the manufacturer's specifications.

R20-2-718 719 ARIZONA REQUIREMENTS FOR PRODUCTION, TRANSPORT, DISTRIBUTION, AND SALE OF BIOFUELS
THE FOLLOWING SECTIONS OUTLINE THE REQUIREMENTS FOR A PERSON THAT PRODUCES, TRANSPORTS, OR
DISTRIBUTES AND SELLS BIOFUELS OR BIOFUEL BLEND IN ARIZONA.

1. GENERAL REQUIRMENTS:

A. EACH OF THE FOLLOWING PERSONS SHALL REGISTER WITH THE DIRECTOR ON A FORM AND IN THE FORMAT PERESCRIBED BY THE DIRECTOR.

I. A PRODUCER THAT PRODUCES A NEAT BIOFUEL OR A BIOFUEL BLEND;

II. A BIOFUEL DISTRIBUTER.

III. A PERSON REQUIRED TO REGISTER WITH THE ENVIRONMENTAL PROTECTION AGENCY, UNDER 40 CFR 80, RENEWABLE FUEL STANDARD PROGRAM.

1. A PERSON REGISTERED UNDER SUBSECTION (A) SHALL NOTIFY THE DIRECTOR WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF A CHANGE TO ANY OF THE INFORMATION REQUIRED ON THE FORM PRESCRIBED BY THE DIRECTOR IN SUBSECTION (A).

2. IF A PERSON SUBJECT TO THE REQUIREMENTS OF THIS SECTION FAILS TO REGISTER UNDER THIS SECTION, ALL BIOFUEL OR BIOFUEL BLENDS PRODUCED IS PRESUMED TO BE NONCOMPLIANT FROM THE DATE THAT REGISTRATION SHOULD HAVE OCCURRED.

3. THE DEPARTMENT SHALL MAINTAIN A LIST OF ALL PERSONS REGISTERED UNDER THIS SECTION THAT SHALL BE AVAILBLE TO THE PUBLIC.

B. A PERSON REQUIRED TO REGISTER UNDER AAC R20-2-718(A) SHALL REPORT TO THE DEPARTMENT, ON A FORM AND IN THE FORMAT PRESCRIBED BY THE DIRECTOR BY THE 15TH OF THE MONTH FOLLOWING THE PRODUCTION OF BIOFUELS OR BIOFUEL BLEND THE INFORMATION SPECIFIED BELOW. AND SHALL, ATTEST TO THE TRUTHFULNESS AND ACCURACY OF THE DATA SUBMITTED, AND CONSENT TO THE DEPARTMENT OR ITS AUTHORIZED AGENT COLLECTING SAMPLES AND ACCESSING RECORDS AS PROVIDED IN THIS ARTICLE. A CORPORATE OFFICER WHO IS RESPONSIBLE FOR OPERATIONS AT THE FACILITY THAT PRODUCES OR SHIPS THE FINAL PRODUCT SHALL SIGN THE REPORT. THE INFORMATION SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE CLASSIFIED AS CONFIDENTIAL INFORMATION AND PROTECTED UNDER ARS 44-1374 IF SUCH INFORMATION IS DESIGNATED AS CONFIDENTIAL BY THE PERSON OR ENTITY SUBMITTING THAT INFORMATION.

C. A PERSON SUBJECT TO THIS ARTICLE SHALL IMPLEMENT A QUALITY MANAGEMENT SYSTEM FOR PRODUCERS AND MARKETERS OF BIOFUEL AND BIOFUEL BLENDS

1. IN ADDITION TO THE REQUIREMENTS UNDER THIS ARTICLE, A PRODUCER OF BIODIESEL OR A MARKETER THAT FORMULATES A BIOFUEL OR A BIOFUEL BLEND SHALL IMPLEMENT A QUALITY MANAGEMENT SYSTEM.

2. A PERSON SUBJECT TO THIS SECTION SHALL OUTLINE AND SUBMIT A QUALITY MANAGEMENT SYSTEM, IN THE FORM OF A QUALITY MANUAL, TO THE DIRECTOR FOR APPROVAL AT LEAST THREE MONTHS BEFORE PRODUCTION OR MARKETING OF A BIOFUEL OR A BIOFUEL BLEND. THE DIRECTOR SHALL APPROVE THE SUBMITTED QUALITY MANAGEMENT SYSTEM ONLY IF THE PROGRAM EFFECTIVELY

ENSURES SUFFICIENT QUALITY CONTROL OF BIOFUEL OR BIOFUEL BLENDS PRODUCED, IMPORTED, OR BLENDED IN OR INTO THIS STATE.

3. THE QUALITY MANUAL SUBMITTED UNDER THIS SECTION SHALL:

I. DOCUMENT THE QUALITY ASSURANCE AND QUALITY CONTROL PROGRAM IMPLEMENTED BY A PRODUCER OR MARKETER TOWARDS ENSURING THAT BIOFUEL OR BIOFUEL BLENDS PRODUCED OR MARKETED CONFORMS TO APPLICABLE ASTM SPECIFICATIONS, IS APPROPRIATELY BLENDED AND MEETS ANY CUSTOMER SPECIFIC REQUIREMENTS;

II. CONTAIN A QUALITY POLICY THAT EXPRESSES OBJECTIVES AND COMMITMENTS OF THE PRODUCER OR MARKETER TO QUALITY ASSURANCE OF THE BIOFUEL OR BIOFUEL BLENDS PRODUCED OR MARKETED;

III. CONTAIN QUALITY SYSTEM PROCEDURES THAT DESCRIBE ALL OF THE PROCESSES TO BE EMPLOYED FOR DETERMINING AND DOCUMENTING HOW OPERATIONAL QUALITY REQUIREMENTS WILL BE MET; AND

IV. CONTAIN PROVISIONS FOR MAINTAINING AND CONTROLLING DOCUMENTS AND RECORDS ASSOCIATED WITH THIS SECTION.

4. A PRODUCER OR MARKETER OF BIODIESEL (MONO ALKYL ESTER) OR A BIODIESEL(MONO ALKYL ESTER) BLEND THAT IS BQ9000 CERTIFIED BY THE NATIONAL BIODIESEL BOARD AS A BQ9000 CERTIFIED PRODUCER OR MARKETER SHALL SUBMIT TO THE DIRECTOR THEIR QUALITY MANUAL IMPLEMENTED UNDER THAT CERTIFICATION FOR THE PURPOSE OF THIS SECTION, BUT IS SUBJECT TO AUDIT BY THE DIRECTOR.

2. STATEWIDE REQUIREMENTS FOR THE PRODUCTION TRANSPORTATION, DISTRIBUTION, OR SALE OF E85

A. A PRODUCER OF E85 OR THE OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE THAT DISPENSES E85 SHALL ENSURE THAT THE E85 SOLD OR OFFERED FOR SALE IN ARIZONA MEETS ALL THE SPECIFICATIONS IN ASTM D 5798 THROUGH SAMPLING TESTING AND CERTIFICATION.

B. AN OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE SHALL ENSURE THAT BOTH THE MOTOR FUEL DISPENSER AND NOZZLE FROM WHICH E85 IS DISPENSED HAVE LABELS AFFIXED THAT INDICATE E85 IS NOT GASOLINE AND IS INTENDED FOR USE ONLY IN A FLEXIBLE-FUEL VEHICLE, AND STATING, "CHECK YOUR OWNER'S MANUAL TO ENSURE THAT THIS FUEL CAN BE USED IN YOUR VEHICLE."

C. AN OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE SHALL ENSURE THAT ANY MOTOR FUEL DISPENSER FROM WHICH E85 IS DISPENSED IS COMPATIBLE WITH E85 AND MEETS THE REQUIREMENTS IN THIS CHAPTER.

D. A PRODUCER OF E85 THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES SHALL REPORT TO THE DEPARTMENT THE FOLLOWING INFORMATION REGARDING THE E85 PRODUCTION:

I. THE AMOUNT OF FUEL ETHANOL USED TO PRODUCE E85 DURING THE PREVIOUS MONTH,

II. THE AMOUNT OF GASOLINE USED TO PRODUCE E85 DURING THE PREVIOUS MONTH,

III. THE TOTAL AMOUNT OF E85 PRODUCED DURING THE PREVIOUS MONTH,

IV. THE FUEL QUALITY PROPERTIES FOR THE FINISHED E85 BLEND LISTED BELOW:

A. APPEARANCE

B. API GRAVITY

C. ETHANOL CONTENT

D. AROMATICS

E. OLEFINS

F. WATER CONTENT

G. VAPOR PRESSURE

H. SULFUR CONTENT

E. A BIOFUEL DISTRIBUTOR OF E85 REPORT TO THE DEPARTMENT, THE FOLLOWING INFORMATION REGARDING THE E85 DISTRIBUTED:

I. THE AMOUNT OF E85 SOLD

II. THE DISTRIBUTOR SHALL CERTIFY ON THE REPORT THAT THE E85 BLEND THAT WAS SOLD, OFFERED FOR SALE OR DISPENSED WAS RECEIVED FROM, OR TRACEABLE TO, A PERSON REGISTERED WITH THE DEPARTMENT AS REQUIRED BY THIS CHAPTER

F.. ADDITIONAL REQUIREMENTS FOR THE PRODUCTION OF E85 FOR USE IN THE CBG-COVERED AREA.

I. A PRODUCER OF E85 FOR SALE IN THE CBG-COVERED AREA SHALL USE ARIZONA CBG OR AZRBOB AND PRESSURANT AS NEEDED, TO MEET THE HYDROCARBON, REQUIRMENT OF ASTM D-5798.

II. A PRODUCER OF E85 FOR SALE IN THE CBG-COVERED AREA SHALL ENSURE THAT THE FUEL ETHANOL USED MEETS THE STANDARD IN THIS CHAPTER

G. A PERSON THAT PRODUCES ETHANOL OR E85 AND IS REGISTERED AS REQUIRED BY THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT A QUALITY ASSURANCE SAMPLING AND TESTING PROGRAM TO BE APPROVED BY THE DIRECTOR, WHICH WILL CONSIST OF THE FOLLOWING:

(A) A QUALITY ASSURANCE SAMPLING AND TESTING PROGRAM TO BE CARRIED OUT AT EACH FACILITY WITHIN A PERSON'S OPERATION S WHERE E85, BIOFUEL OR BIOFUEL BLENDS ARE PRODUCED OR BLENDED:

(1) THE SAMPLING AND TESTING PROGRAM SHALL BE CONDUCTED AS FOLLOWS:

(A) ALL SAMPLES OF THE E85 BE COLLECTED SUBSEQUENT TO THE ADDITION OF ANY APPLICABLE BLEND COMPONENT AND SHALL BE COLLECTED USING APPROVED ASTM METHODS.

(B) SAMPLING SHALL BE AT ONE OF THE FOLLOWING RATES, AS APPLICABLE TO A PERSON'S OPERATIONS:

(1) IN THE CASE OF E85 IS PRODUCED IN A SINGLE STORAGE TANK BY BATCH, A RATE OF NOT LESS THAN ONE SAMPLE PER TANK. FOR THE PURPOSE OF THIS ARTICLE A STORAGE TANK IS A STATIONARY TANK AND DOSE NOT INCLUDE A TRANSPORT TRAILER ;

(2) IN THE CASE OF E85, THAT IS BLENDED OR TRANSFERRED INTO A DELIVERY TRUCK THROUGH THE USE OF COMPUTER-CONTROLLED IN-LINE BLENDING EQUIPMENT, A RATE OF NOT LESS THAN ONE SAMPLE FOR EVERY 20 OCCURRENCES OR 1 SAMPLE EVERY 2 WEEKS WHICH EVER IS MORE FREQUENT.

(3) IN THE CASE OF E85, WHICH IS BLENDED OR TRANSFERRED INTO A DELIVERY TRUCK WITHOUT THE USE OF COMPUTER-CONTROLLED IN-LINE BLENDING EQUIPMENT, A RATE OF NOT LESS THAN ONE SAMPLE EVERY 10 OCCURRENCES OR 1 SAMPLE PER WEEK WHICH EVER IS MORE FREQUENT.

(2) ALL TESTING OF THE FINISHED PRODUCT WILL BE CONDUCTED USING THE APPROPRIATE ASTM TEST METHODS OUTLINED IN THE ASTM D5798. THE QUALITY ASSURANCE SAMPLING AND TESTING PLAN SHALL INCLUDE QUALITY OBJECTS AS WELL AS APPROPRIATE QA/QC REQUIREMENTS. THESE TEST RESULTS SHALL BE USE TO CERTIFY THE QUALITY OF THE FINISHED PRODUCT. IN THE EVENT THE TEST RESULTS FOR ANY FINISHED PRODUCT SHIPPED

FROM THE FACILITY DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION THE PERSON REGISTERED UNDER AS REQUIRED BY THIS CHAPTER) SHALL:

(A) IMMEDIATELY NOTIFY THE DIRECT OF THE TEST RESULT;

(B) IMMEDIATELY TAKE ALL REASONALBE STEPS TO STOP THE SALE OF THE PRODUCT THAT WAS FOUND OUT OF COMPLIANCE;

(C) TAKE STEPS WHICH ARE REASONABLY CALCULATED TO DETERMINE THE CAUSE OF THE NONCOMPLIANCE AND TO PREVENT FUTURE INSTANCES OF NONCOMPLIANCE.

(3) THE PLAN SHALL OUTLINE SAMPLE HANDLING AND STORAGE PROCEDURES AS WELL AS SAMPLE RETENTION TIMEFRAMES.

3. STATEWIDE REQUIREMENTS FOR THE PRODUCTION TRANSPORTATION, DISTRIBUTION, OR SALE OF BIODIESEL AND BIODIESEL BLENDS

A. A PERSON SHALL NOT SELL OR OFFER OR EXPOSE FOR SALE:

1. NEAT BIODIESEL THAT ~~IS NOT TESTED OR~~ DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ASTM D 6751.

2. A BLEND OF UP TO 5 % BIODIESEL AND DIESEL FUEL THAT ~~IS NOT TESTED OR~~ DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ASTM D 975, OR

3. A BLEND CONTAINING 6 % THROUGH 20% BIODIESEL AND DIESEL FUEL THAT DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ~~ASTM D7467-08~~.

B. AN OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE SHALL ENSURE THAT THE MOTOR FUEL DISPENSER FROM WHICH BIODIESEL OR A BIODIESEL BLENDS ARE DISPENSED MEETS THE FOLLOWING LABELING REQUIREMENTS. EXCEPT FOR BIODIESEL BLEND THAT CONTAIN UP TO FIVE PERCENT BIODIESEL, A PERSON SHALL LABEL DISPENSERS AT WHICH BIODIESEL OR BLEND OF DIESEL FUEL AND BIODIESEL ARE DISPENSED IN SUCH A MANNER AS TO NOTIFY OTHER PERSONS OF THE VOLUME PERCENTAGE OF BIODIESEL IN THE FINISHED PRODUCT. FOR BIODIESEL BLENDS THAT CONTAIN UP TO FIVE PER CENT BIODIESEL, THE LABEL ON THE DISPENSER SHALL STATE "MAY CONTAIN UP TO FIVE PERCENT BIODIESEL".

C. AN OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE SHALL ENSURE THAT ANY MOTOR FUEL DISPENSER FROM WHICH BIODIESEL AND BIODIESEL BLENDS ARE BEING DISPENSED IS COMPATIBLE WITH THE PRODUCT AND MEETS THE REQUIREMENTS IN THIS CHAPTER.

D. ADDITIONAL REQUIREMENTS FOR THE PRODUCTION OF BIODIESEL OR A BLEND OF BIODIESEL FOR USE IN THE CBG COVERED AREA:

I. FOR THE DIESEL FUEL FOR USE IN BIODIESEL BLENDS SHALL NOT CONTAINS SULFUR IN EXCESS OF 15 PPM.

E. A PRODUCER OF BIODIESEL OR BIODIESEL BLENDS THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES SHALL REPORT TO THE DEPARTMENT, THE FOLLOWING INFORMATION REGARDING THE PRODUCTION OF BIODIESEL AND BIODIESEL BLENDS:

I. THE TOTAL AMOUNT OF BIODIESEL OR BIODIESEL BLEND PRODUCED AND SOLD DURING THE PREVIOUS MONTH.

II. THE AMOUNT OF BIODIESEL USED TO PRODUCE A BIODIESEL BLEND DURING THE PREVIOUS MONTH.

III. THE FUEL QUALITY PROPERTIES FOR THE FINISHED BIODIESEL AND BIODIESEL BLEND LISTED BELOW:

1. APERSON THAT PRODUCES BIODIESELTHE FOLLOWING FUEL PROPERTIES ESTABLISHED BY ASTM D-6751:

A. FLASH POINT

B. WATER SEDIMENT

C. SULFUR CONTENT

D. CETANE NUMBER OR DERIVED CETANE NUMBER (DCN)

E. CLOUD POINT

F. ACID NUMBER

G. FREE GLYCERIN

H. TOTAL GLYCERIN

I. DISTILLATION, 90%

2. A PERSON THAT PRODUCES BIODIESEL BLENDS THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES AND IS UP TO 5% BIODIESEL SHALL REPORT THE FOLLOWING FUEL PROPERTIES ESTABLISHED BY ASTM D 975:

A. SULFUR CONTENT.

B. AROMATIC HYDROCARBON CONTENT.

C. CETANE NUMBER.

D. SPECIFIC GRAVITY.

E. AMERICAN PETROLEUM INSTITUTE GRAVITY.

F. THE TEMPERATURES AT WHICH TEN PER CENT, FIFTY PER CENT AND NINETY PER CENT OF THE DIESEL FUEL-BIODIESEL BLEND BOILED OFF DURING DISTILLATION.

3. A PERSON THAT PRODUCES BIODIESEL BLENDS THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES AND IS 6% TO 20% BIODIESEL SHALL REPORT THE FOLLOWING FUEL PROPERTIES ESTABLISHED BY ASTM D XXX:

A. SULFUR CONTENT.

B. AROMATIC HYDROCARBON CONTENT.

C. CETANE NUMBER.

D. SPECIFIC GRAVITY.

E. AMERICAN PETROLEUM INSTITUTE GRAVITY.

F. THE TEMPERATURES AT WHICH TEN PER CENT, FIFTY PER CENT AND NINETY PER CENT OF THE DIESEL FUEL-BIODIESEL BLEND BOILED OFF DURING DISTILLATION.

F. A BIOFUEL DISTRIBUTOR OF BIODIESEL OR BIODIESEL BLENDS SHALL REPORT TO THE DEPARTMENT, THE FOLLOWING INFORMATION REGARDING THE E85 DISTRIBUTED:

I. THE AMOUNT OF BIODIESEL OR BIODIESEL BLEND SOLD

II. THE DISTRIBUTOR SHALL CERTIFY ON THE REPORT THAT THE BIODIESEL OR BIODIESEL BLEND THAT WAS SOLD, OFFERED FOR SALE OR DISPENSED WAS RECEIVED FROM, OR TRACEABLE TO, A PERSON REGISTERED WITH THE DEPARTMENT UNDER THIS CHAPTER

G. A PERSON THAT PRODUCES BIODIESEL AND BIODIESEL BLENDS AND IS REGISTERED UNDER THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT A QUALITY ASSURANCE SAMPLING AND TESTING PROGRAM TO BE APPROVED BY THE DIRECTOR, WHICH WILL CONSIST OF THE FOLLOWING:

(A) A QUALITY ASSURANCE SAMPLING AND TESTING PROGRAM TO BE CARRIED OUT AT EACH FACILITY WITHIN A PERSON'S OPERATION S WHERE BIODIESEL AND BIODIESEL BLENDS ARE PRODUCED OR BLENDED:

(1) THE SAMPLING AND TESTING PROGRAM SHALL BE CONDUCTED AS FOLLOWS:

(A) ALL SAMPLES OF THE BIODIESEL AND BIODIESEL BLENDS BE COLLECTED SUBSEQUENT TO THE ADDITION OF ANY APPLICABLE BLEND COMPONENT AND SHALL BE COLLECTED USING APPROVED ASTM METHODS.

(B) SAMPLING SHALL BE AT ONE OF THE FOLLOWING RATES, AS APPLICABLE TO A PERSON'S OPERATIONS:

(1) IN THE CASE OF BIODIESEL OR BIODIESEL BLEND IS PRODUCED IN A SINGLE STORAGE TANK BY BATCH, A RATE OF NOT LESS THAN ONE SAMPLE PER TANK, FOR THE PURPOSE OF THIS ARTICLE A STORAGE TANK IS A STATIONARY TANK AND DOSE NOT INCLUDE A TRANSPORT TRAILER ;

(2) IN THE CASE OF BIODIESEL OR BIODIESEL BLENDS, THAT ARE BLENDED OR TRANSFERRED INTO A DELIVERY TRUCK THROUGH THE USE OF COMPUTER-CONTROLLED IN-LINE BLENDING EQUIPMENT, A RATE OF NOT LESS THAN ONE SAMPLE FOR EVERY 20 OCCURRENCES; OR ONE SAMPLE EVERY 2 WEEKS, WHICHEVER IS MORE FREQUENT;

(3) IN THE CASE OF BIODIESEL OR BIODIESEL BLEND WHICH ARE BLENDED OR TRANSFERRED INTO A DELIVERY TRUCK WITHOUT THE USE OF COMPUTER-CONTROLLED IN-LINE BLENDING EQUIPMENT, A RATE OF NOT LESS THAN ONE SAMPLE 10 OCCURRENCES OR 1 SAMPLE PER WEEK WHICH EVER IS MORE FREQUENT.

(2) ALL TESTING OF THE FINISHED PRODUCT WILL BE CONDUCTED USING THE APPROPRIATE ASTM TEST METHODS OUTLINED IN THE ASTM D6751, D975 OR DXXX AS APPROPRIATE FOR THE PRODUCT BEING TESTED. THE QUALITY ASSURANCE SAMPLING AND TESTING PLAN SHALL INCLUDE QUALITY OBJECTS AS WELL AS APPROPRIATE QA/QC REQUIREMENTS. THESE TEST RESULTS SHALL BE USED TO CERTIFY THE QUALITY OF THE FINISHED PRODUCT. IN THE EVENT THE TEST RESULTS FOR ANY FINISHED PRODUCT SHIPPED FROM THE FACILITY DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION THE PERSON REGISTERED UNDER THIS CHAPTER) SHALL:

(A) IMMEDIATELY NOTIFY THE DIRECT OF THE TEST RESULT;

(B) IMMEDIATELY TAKE ALL REASONABLE STEPS TO STOP THE SALE OF THE PRODUCT THAT WAS SAMPLED;

(C) TAKE STEPS WHICH ARE REASONABLY CALCULATED TO DETERMINE THE CAUSE OF THE NONCOMPLIANCE AND TO PREVENT FUTURE INSTANCES OF NONCOMPLIANCE.

(3) THE PLAN SHALL OUTLINE SAMPLE HANDLING AND STORAGE PROCEDURES AS WELL AS SAMPLE RETENTION TIMEFRAME.

4. AN OWNER OR OPERATOR OF A MOTOR FUEL DISPENSING SITE SHALL ENSURE THAT ANY BIODIESEL OR BIODIESEL BLENDS THAT IS SOLD, OFFERED FOR SALE OR DISPENSED WAS RECEIVED FROM, OR TRACEABLE TO, A PERSON REGISTERED WITH THE DEPARTMENT UNDER THIS CHAPTER.

I. STATE WIDE REQUIREMENTS FOR THE PRODUCTION OR SALE OF NON ESTER RENEWABLE DIESEL

THE FINAL PRODUCT MUST MEET ASTM D 975 AND MUST BE LABELED AS RENEWABLE DIESEL AS DEFINED IN R20-2-701.THIS CHAPTER

R20-2-718. Requirements for the Production or Sale of E85

A. Requirements applicable statewide.

1. A producer of E85 or the owner or operator of a motor fuel dispensing site that dispenses E85 shall ensure that the E85 sold or offered for sale in Arizona meets all the specifications in ASTM D 5798-99.
2. An owner or operator of a motor fuel dispensing site shall ensure that both the motor fuel dispenser and nozzle from which E85 is dispensed have labels affixed that indicate E85 is not gasoline and is intended for use only in a flexible fuel vehicle, and stating, "Check your owner's manual to ensure that this fuel can be used in your vehicle."
3. An owner or operator of a motor fuel dispensing site shall ensure that any motor fuel dispenser from which E85 is dispensed is compatible with E85 and meets the requirements in R20-2-203.
4. A producer of E85 shall report to the Department, by the 15th of the month following the production of E85, the following information regarding the E85 production:
 - a. The amount of fuel ethanol used during the previous month,
 - b. The amount of gasoline used during the previous month,
 - c. The total amount of E85 produced during the previous month,
 - d. The total amount of E85 sold during the previous month,
 - e. The fuel quality properties for the gasoline and fuel ethanol components making up each batch of E85, and
 - f. The fuel quality properties of each batch of final E85 blend.

B. Requirements applicable in the CBG covered area.

1. A producer of E85 for sale in the CBG covered area shall use Arizona CBG or AZRBOB as the gasoline portion of the E85 blend.
2. A producer of E85 for sale in the CBG covered area shall ensure that the fuel ethanol used meets the standard in R20-2-751(C).

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

A. A person shall not sell or offer or expose for sale:

1. Biodiesel that is not tested or does not meet the specifications established by ASTM D 6751,
2. A blend of biodiesel and diesel fuel that is not tested or does not meet the specifications established by ASTM D 975-04e, or
3. Biodiesel or a blend of biodiesel and diesel fuel for use in Area A that contains sulfur in excess of 15 ppm.

B. A person who blends biodiesel that is intended as a final product for the fueling of motor vehicles shall report to the director by the fifteenth day of each month the quantity and quality of biodiesel shipped to or produced in this state during the preceding month. A person who supplies biodiesel subject to this subsection shall report the following by batch:

1. The percentage of biodiesel in a final blend.
2. The volume of the finished product.
3. For neat biodiesel, the results of analysis for those parameters established by ASTM D6751.
4. For biodiesel blended with any diesel fuel, the results of the analysis of the following motor fuel parameters as established by ASTM D975:
 - a. Sulfur content.
 - b. Aromatic hydrocarbon content.
 - c. Cetane number.
 - d. Specific gravity.
 - e. American petroleum institute gravity.

~~f. The temperatures at which ten per cent, fifty per cent and ninety per cent of the diesel fuel boiled off during distillation.~~

~~A.R.S. § 41-2083(L).~~

- ~~C. A person required to submit a report under subsection (B) shall use a form prescribed by the Director, certify the truthfulness and accuracy of the data submitted, and consent to the Department or its authorized agent collecting samples and accessing records as provided in this Article. A corporate officer who is responsible for operations at the facility that produces or ships the final product shall sign the report.~~
- ~~D. A person shall label a dispenser at which biodiesel is dispensed in a manner that notifies other persons of the volume percentage of biodiesel in the finished product and with the statement: "This fuel contains biodiesel. Check the owner's manual or with your engine manufacturer before using."~~

R20-2-750. Registration Relating to Arizona CBG or AZRBOB

- A. Each of the following shall register with the Director before producing, importing, or obtaining custody of Arizona CBG or AZRBOB:
1. A refiner that produces Arizona CBG or AZRBOB;
 2. An importer that imports Arizona CBG or AZRBOB;
 3. An oxygenate blender that blends oxygenate with AZRBOB to produce Arizona CBG; or
 4. A pipeline or third-party terminal that has custody of Arizona CBG or AZRBOB.
- B. A person listed in subsection (A) shall register on a form prescribed by the Director and include the following information:
1. Business name, business address, and contact name or position title and telephone number;
 2. For each refinery or oxygenate blending facility, the facility name, physical location, contact name or position title and telephone number, and type of facility;
 3. For each refinery, oxygenate blending facility, or importer:
 - a. The location of the records required under this Article. If records are kept off-site, the primary off-site storage facility name, physical location, and contact name or position title and telephone number; and
 - b. If an independent laboratory is used to meet the requirements of R20-2-752(F), the name and address of the independent laboratory, and contact name or position title and telephone number;
 4. If required under 40 CFR 80.76(d), the EPA registration number; and
 5. A statement of consent permitting the Department or its authorized agent to collect samples and access records as provided in R20-2-716.
- C. A person registered under subsection (B) shall notify the Director within 10 days after the effective date of a change in any of the information provided under subsection (B).
- D. If a refiner, importer, or oxygenate blender fails to register under this Section, all Arizona CBG or AZRBOB produced by the refiner or oxygenate blender or imported by the importer and transported to the CBG-covered area is presumed to be noncompliant from the date that registration should have occurred.
- E. The Department shall maintain a list of all registered suppliers.

R20-2-751. Arizona CBG Requirements

- A. General fuel property and performance requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements and for any fuel property not specified, shall meet the requirements in ASTM D 4814-04a. The dates in this subsection are compliance dates for the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility.
1. Sulfur: ~~500-80~~ ppm by weight (max)
 2. Aromatics: 50 percent by volume (max)

3. Olefins: 25 percent by volume (max)
4. E200: 70-30 percent volume
5. E300: 100-70 percent volume
6. Maximum Vapor Pressure

A. OCTOBER 9.0 PSI

a.b. ~~October- NOVEMBER~~ 1 – ~~January~~ MARCH 31: 9.0 pounds per square inch (psi)

~~b.c. February: 13.5 psi~~

~~c.d. March: 11.5 psi~~

d.e. April: 10.0 psi

e.f. May: 9.0 psi

f.g. June 1 - September 30: 7.0 psi for ~~CARB Phase 2 gasoline~~ and 7.2 psi for ~~CARB Phase 3 gasoline~~

H. GASOLINE ETHANOL BLENDS IN THE CBG COVERED AREA ARE SUBJECT TO R20-2-708 ONE POUND VAPOR PRESSURE WAIVER FOR THE MONTHS OF ~~FEBRUARY, MARCH,~~ APRIL, AND OCTOBER ONLY.

7. Oxygen and Oxygenates
 - a. Minimum Content:
 - i. November 1 - ~~January~~ MARCH 31: 10 percent fuel ethanol by volume. If A.R.S. § 41-2124(E) petition in effect: 2.7 percent oxygen by weight as approved by the Director.
 - ii. ~~February~~ APRIL 1 - October 31: 0 percent by weight (any oxygenate).
 - b. The maximum oxygen content shall not exceed 3.7 percent by weight for fuel ethanol and as specified in A.R.S. § 41-2122 for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.
 - c. Arizona CBG shall not contain more than 0.3 volume percent MTBE nor more than 0.1 weight percent oxygen from all other ethers or alcohols listed in A.R.S. § 41-2122.
8. Type 1 Arizona CBG shall meet the Federal Complex Model VOC emissions reduction percentage May 1 through September 15: ≥ 27.5 percent (Federal Complex Model settings: Summer, Area Class B, Phase 2). Type 2 Arizona CBG shall meet ~~CARB Phase 2~~ or Phase 3 PM requirements.

B. Wintertime requirements. In addition to the other requirements of this Article, the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility shall ensure that beginning November 1 through ~~January~~ MARCH 31 of each year, all Arizona CBG meets the following fuel property requirements.

1. Sulfur: 80 ppm by weight (max);
2. Aromatics: 30% by volume (max);
3. Olefins: 10% by volume (max);
4. 90% Distillation Temp. (T90): 330° F (max);
5. 50% Distillation Temp. (T50): 220° F (max);
6. Vapor Pressure: 9.0 psi (max); and
7. Oxygenate - Ethanol;
 - a. Minimum oxygenate content - 10 percent fuel ethanol by volume;
 - b. Maximum oxygen content - 3.7 percent oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123; and
 - c. Alternative minimum fuel ethanol content may be used if approved by the Director under A.R.S. § 41-2124(D).

C. Fuel ethanol specifications. A person that uses fuel ethanol as a blending component with AZRBOB or Arizona CBG shall ensure that the fuel ethanol meets the requirements in ASTM D 4806-04a and the following:

1. A sulfur content not exceeding 10 ppm by weight,
2. An olefins content not exceeding 0.5 percent by volume, and
3. An aromatic hydrocarbon content not exceeding 1.7 percent by volume.

- D.** General elections. Except as provided in subsection (E), a registered supplier shall make an initial election, and a subsequent election each time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:
1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1 Arizona CBG, Type 2 Arizona CBG, or the PM alternative gasoline formulation requirements and, if the registered supplier will supply Arizona CBG or AZRBOB that complies with the PM alternative gasoline formulation requirements, whether the registered supplier will certify using the CARB Phase 2 ~~or Phase 3~~ model; and
 2. For each applicable fuel property or performance standard in the election under subsection (D)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with R20-2-760. A registered supplier shall not elect to comply with Type 1 Arizona CBG average standards in Table 1, columns B and C, from September 16 through October 31 and February 1 through April 30.
- E.** Winter elections. Beginning November 1 through ~~January~~ **MARCH** 31 of each year, a registered supplier shall ensure that all Arizona CBG or AZRBOB complies with Type 2 Arizona CBG requirements or the PM alternative gasoline formulation requirements under Table 2. A registered supplier shall make an initial election, and a subsequent election each time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:
1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 Arizona CBG or the PM alternative gasoline formulation requirements; and
 2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards.
 3. A REGISTERED SUPPLIER MAY ELECT AND PRODUCE A TYPE 1 ARIZONA CBG FROM DECEMBER 1 THROUGH ~~JANUARY~~ **MARCH** 31 PROVIDING THAT THE ARIZONA CBG WILL NOT BE DISTRIBUTED TO A RETAIL MOTOR FUEL DISPENSING SITE WITHIN THE CBG COVERED AREA PRIOR TO ~~FEBRUARY~~ **APRIL 1**
- F.** Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier shall certify Arizona CBG or AZRBOB under R20-2-752 as meeting all requirements of the election made in subsection (D) or (E). For each fuel property, Type 1 Arizona CBG shall comply with the requirements in either column A or columns B through D of Table 1, and shall be certified using the Federal Complex Model, which is incorporated by reference in R20-2-702. For each fuel property, Type 2 Arizona CBG shall comply with the requirements of columns A and B (averaging option), or column C in Table 2. The PM alternative gasoline formulation shall meet the requirements of subsections (G), (H), and (I) and column A of Table 2. A registered supplier may certify Arizona CBG or AZRBOB using an equivalent test method that the Department approves using the criteria stated in R20-2-759.
- G.** Certification and use of Predictive Model for alternative PM gasoline formulations.
1. Except as provided in subsections (G)(4) and (I), a registered supplier shall use the PM as provided in the Predictive Model Procedures.
 2. A registered supplier shall certify a PM alternative gasoline formulation with the Director by either:
 - a. Submitting to the Director a complete copy of the documentation provided to the executive officer of CARB according to 13 California Code of Regulations, Section 2264 and subsection (I); or
 - b. Notifying the Director, on a form prescribed by or in a format acceptable to the Director, of:
 - i. The PM alternative specifications that apply to the final blend, including for each specification whether it is a PM flat limit or a PM averaging limit; and
 - ii. The numerical values for percent change in emissions for oxides of nitrogen and hydrocarbons determined in accordance with the Predictive Model Procedures.

3. A registered supplier shall deliver the certification required under subsection (G)(2) to the Director before transporting the PM alternative gasoline formulation.
4. Restrictions for elections to sell or supply final blends as PM alternative gasoline formulations.
 - a. A registered supplier shall not make a new election to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation if the registered supplier has an outstanding requirement under subsection (J) to provide offsets for fuel properties at the same production or import facility.
 - b. If a registered supplier elects to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation subject to a PM averaging compliance option for one or more fuel properties, the registered supplier shall not elect any other compliance option, including another PM alternative gasoline formulation, if an outstanding requirement to provide offsets for fuel properties exists under the provisions of subsection (J). This subsection does not preclude a registered supplier from electing another PM alternative gasoline formulation if:
 - i. The PM flat limit for one or more fuel properties is changed to a PM averaging limit, or a single PM averaging limit for which there is no outstanding requirement to provide offsets is changed to a PM flat limit;
 - ii. There are no changes to the PM alternative specifications for remaining fuel properties; and
 - iii. The new PM alternative formulation meets the criteria in the Predictive Model Procedures.
 - c. If a registered supplier elects to sell or supply from the registered supplier's production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation, the registered supplier shall not use a previously assigned designated alternative limit for a fuel property to provide offsets under subsection (J).
 - d. If a registered supplier notifies the Director under subsection (D) or (E) that a final blend of Arizona CBG is sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of Arizona CBG or AZRBOB subsequently sold or supplied from that production or import facility are subject to the same PM alternative specifications until the registered supplier either:
 - i. Designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications; or
 - ii. Elects, under subsection (D) or (E), a final blend at that facility subject to a flat limit compliance option or an averaging compliance option.

H. Prohibited activities regarding PM alternative gasoline formulations.

A registered supplier shall not sell, offer for sale, supply, or offer to supply from the registered supplier's production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under R20-2-752 if any of the following occur:

1. The elected PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures,
2. The registered supplier is prohibited by subsection (G)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation,
3. The gasoline fails to conform with any PM flat limit in the PM alternative specifications election, or
4. With respect to any fuel property for which the registered supplier elects a PM averaging limit:
 - a. The gasoline exceeds the applicable PM average limit in Table 2, column B, and no designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (G)(2); or
 - b. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (G)(2), and either the gasoline exceeds the designated alternative limit for the fuel property or the designated alternative limit for the fuel property exceeds the PM averaging limit and the exceedance is not fully offset in accordance with subsection (J).

- I. Oxygen content requirements for PM alternative gasoline formulations.** A registered supplier shall ensure that from November 1 through ~~January~~ **MARCH** 31, all alternative PM gasoline formulations comply with oxygen content requirements for the CBG-covered area. Regardless of the oxygen content, a registered supplier shall certify the final alternative PM gasoline formulation using the PM with a minimum oxygen content of 2.0% by weight. A registered supplier may use the CARBOB Model as a substitute for the

preparation of a fuel ethanol hand blend and use the fuel qualities calculated under the CARBOB Model for compliance and reporting purposes.

J. Offsetting fuel properties and performance standards. A registered supplier that elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 and 2, or the PM, shall, from a single production or import facility, complete physical transfer of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the Arizona CBG or AZRBOB exceeds the averaging standard according to the following schedule:

1. A registered supplier that elects to comply with the averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after beginning to transport any final blend of Arizona CBG or AZRBOB from the production or import facility;
2. A registered supplier that elects to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period; and
3. A registered supplier that elects to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period.

K. Consequence of failure to comply with averages.

1. In addition to a penalty under R20-2-762, if any, a registered supplier that fails to comply with a requirement of subsection (J) shall meet the applicable per-gallon standards contained in Table 1, Table 2, or an alternative PM gasoline formulation, for a probationary period as follows:
 - a. For a registered supplier that elects to comply with the standards contained in Table 1, the probationary period begins on the first day of the next averaging season and ends on the last day of that averaging season if the conditions of subsection (K)(2) are met;
 - b. For a registered supplier that elects to comply with the standards contained in Table 2 or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives a notice from the Director, that the registered supplier did not comply with the requirements of subsection (J). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period. The probationary period ends 90 days after its beginning date.
2. A registered supplier shall not produce or import Arizona CBG or AZRBOB under an averaging compliance election until:
 - a. The registered supplier submits a compliance plan to the Director that includes:
 - i. An implementation schedule for actions to correct noncompliance, and
 - ii. Reporting requirements that document implementation of the compliance plan,
 - b. The Director approves the plan,
 - c. The registered supplier implements the plan, and
 - d. The registered supplier achieves compliance.
3. If a registered supplier fails to comply with the requirements of subsection (J) within one year of the end of a probationary period under subsection (K)(1), the registered supplier shall comply with applicable per-gallon standards for a subsequent probationary period of two years, or until the conditions in subsection (K)(2) are satisfied, whichever is later.
 - a. If a registered supplier elects to comply with the Table 1 standards, the probationary period begins on the first day of the next averaging season.
 - b. If a registered supplier elects to comply with the Table 2 standards or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives notice from the Director, that the registered supplier did not comply with the requirements of subsection (J). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period.
4. If a registered supplier fails to comply with the requirements of subsection (J) within one year after the end of a probationary period provided under subsection (K)(3), the registered supplier shall permanently comply with applicable per-gallon standards.

- L. Effect of VOC survey failure. Each time a VOC survey conducted under R20-2-760 shows excess VOC emissions in the CBG-covered area, 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 percent, not to exceed the VOC percent emissions reduction percentage per-gallon standard in Table 1, column A.
- M. Effect of NOx survey failure. Each time a NOx survey conducted under R20-2-760 shows excess NOx emissions in the CBG-covered area, the NOx average emission reduction percentage applicable to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent.
- N. Subsequent survey compliance. If the minimum VOC or average NOx emissions reduction percentage has been made more stringent according to subsection (L) or (M) and all emissions reduction surveys for VOC or NOx for two consecutive years show emissions within the applicable adjusted reduction percentage in the CBG-covered area, the applicable VOC or NOx emissions adjusted reduction percentage shall be reduced by an absolute 1.0 percent beginning in the year following the year in which the second compliant survey is conducted. Each emissions reduction percentage adjusted under this subsection shall not be decreased below the following:
 1. >27 percent for the VOC emissions reduction percentage, May 1 - September 15, Table 1, column C; and
 2. >6.8 percent for the NOx emissions reduction percentage, May 1 - September 15, Table 1, column B.
- O. Subsequent survey failures. If a VOC or NOx emissions reduction percentage is made less stringent under subsection (N) and a subsequent VOC or NOx survey shows excess VOC or NOx emissions in the CBG-covered area:
 1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction percentage in R20-2-751(A)(8) and the minimum per gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to exceed the VOC percent emissions reduction percentage per gallon standard in Table 1, column A;
 2. For a NOx survey failure, the NOx average emission reduction percentage applicable May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent; and
 3. If the VOC or NOx emission reduction percentage is increased under subsection (O)(1) or (O)(2), the VOC or NOx emission reduction percentage shall not be made less stringent regardless of the result of subsequent surveys for VOC or NOx emissions.
- P. Effective date for adjusted standards. If a performance standard is adjusted by operation of subsection (L), (M), (N), or (O), the effective date for the change is the beginning of the next averaging season for which the standard is applicable.
- Q. ~~Subsections (A)(6)(a), (b), (c), and (f), (A)(7)(a)(i) and (ii), (A)(8), (B), (D)(2), (E), and (F) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.~~

R20-2-752. General Requirements for Registered Suppliers

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

- d. The final blend or shipment volume; and
 - e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, ~~RVP~~-VAPOR PRESSURE, and as applicable, T50, T90, E200, and E300 as determined under R20-2-759.
2. If Arizona CBG or AZRBOB produced or imported by a registered supplier is not tested and documented as required by this Section, the Director shall deem the Arizona CBG or AZRBOB to have a ~~RVP~~-VAPOR PRESURE, sulfur, aromatic hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in R20-2-751 or the comparable PM averaging limits, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.
 3. A registered supplier shall provide to the Director any records maintained by the registered supplier under this Section within 20 days of a written request from the Director. If a registered supplier fails to provide records for a blend or shipment of Arizona CBG or AZRBOB, the Director shall deem the final blend or shipment of Arizona CBG or AZRBOB in violation of R20-2-751, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.
- D. Notification requirement.** A registered supplier shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
- E. Quality Assurance and Quality Control (QA/QC) Program.** A registered supplier shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the registered supplier's laboratory testing of Arizona CBG or AZRBOB. The registered supplier shall submit the QA/QC program to the Director for approval at least three months before the registered supplier transports Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the registered supplier's laboratory testing procedures comply with R20-2-759 and the data generated by the registered supplier's laboratory are complete, accurate, and reproducible. If the registered supplier makes significant changes to the QA/QC program, the registered supplier shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the original quality objectives. The Director shall approve the changed QA/QC program if it meets the quality objectives. Instead of developing a QA/QC program, a registered supplier may comply with the independent testing requirements of subsection (F).
- F. Independent testing.**
1. A registered supplier of Arizona CBG or AZRBOB that does not develop a QA/QC program shall conduct a program of independent sample collection and analysis for the Arizona CBG or AZRBOB produced or imported, that complies with one of the following:
 - a. Option 1. A registered supplier shall, for each batch of Arizona CBG or AZRBOB produced or imported, have an independent laboratory collect and analyze a representative sample from the batch using the methodology specified in R20-2-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
 - b. Option 2. A registered supplier shall have an independent testing program for all Arizona CBG or AZRBOB that the registered supplier produces or imports that consists of the following:
 - i. An independent laboratory shall collect a representative sample from each batch;
 - ii. The Director or designee shall identify up to 10% of the samples collected under subsection (F)(1)(b)(i) for analysis; and
 - iii. The independent laboratory shall, for each sample identified by the Director or designee, analyze the sample using the methodology specified in R20-2-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.

2. The Director or designee may request in writing a duplicate of the batch sample collected under subsection (F)(1)(a) or (F)(1)(b) for analysis by a laboratory selected by the Director or designee. The registered supplier shall submit a duplicate of the sample to the Director within 24 hours of the written request.
 3. Designation of independent laboratory.
 - a. A registered supplier that does not develop a QA/QC program shall designate one independent laboratory for each production or import facility at which the registered supplier produces or imports Arizona CBG or AZRBOB. The independent laboratory shall collect samples and perform analyses according to subsection (F).
 - b. A registered supplier shall identify the designated independent laboratory to the Director under the registration requirements of R20-2-750.
 - c. A laboratory is considered independent if:
 - i. The laboratory is not operated by a registered supplier or the registered supplier's subsidiary or employee;
 - ii. The laboratory does not have any interest in any registered supplier; and
 - iii. The registered supplier does not have any interest in the designated laboratory.
 - d. Notwithstanding the restrictions in subsection (F)(3)(c), the Director shall consider a laboratory independent if it is owned or operated by a pipeline owned or operated by four or more registered suppliers.
 - e. A registered supplier shall not use a laboratory that is debarred, suspended, or proposed for debarment according to the Government-wide Debarment and Suspension regulations, 40 CFR 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9.4.
 4. A registered supplier shall ensure that its designated independent laboratory:
 - a. Records the following at the time the designated independent laboratory collects a representative sample from a batch of Arizona CBG or AZRBOB:
 - i. The producer's or importer's assigned batch number for the batch sampled;
 - ii. The volume of the batch;
 - iii. The identification number of the gasoline storage tank in which the batch is stored at the time the sample is collected;
 - iv. The date and time the batch became Arizona CBG or AZRBOB;
 - v. The date and time the sample is collected;
 - vi. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
 - vii. For Arizona CBG or AZRBOB produced by computer-controlled in-line blending, the date and time the blending process began and the date and time the blending process ended, unless exempt under subsection (G);
 - b. Retains each sample collected under this subsection for at least 45 days, unless this time is extended by the Director for up to 180 days;
 - c. Submits to the Director a quarterly report on the 15th day of January, April, July, and October of each year that includes, for each sample of Arizona CBG or AZRBOB analyzed under subsection (F):
 - i. The results of the independent laboratory's analyses for each fuel property, and
 - ii. The information specified in subsection (F)(4)(a) for each sample; and
 - d. Supplies to the Director, upon request, a duplicate of the sample.
- G.** Exemptions to QA/QC and independent laboratory testing requirements. A registered supplier that produces or imports Arizona CBG or AZRBOB using computer-controlled in-line blending equipment and operates under an exemption from EPA under 40 CFR 80.65(f)(iv), is exempt from the requirements of subsections (E) and (F), if reports of the results of the independent audit program of the registered supplier's computer-controlled in-line blending operation, which are submitted to EPA under 40 CFR 80.65(f)(iv), are submitted to the Director by March 1 of each year.
- H.** Use of laboratory analysis for certification of Arizona CBG and AZRBOB.

1. If both a registered supplier and an independent laboratory collect a sample from the same batch of Arizona CBG or AZRBOB and perform a laboratory analysis under subsection (F) to determine compliance of the sample with a fuel property, the registered supplier and independent laboratory shall use the same test methodology. The results of the analysis conducted by the registered supplier shall be used for certification of the Arizona CBG or AZRBOB under subsection (B), unless the absolute value of the difference between the two results is larger than one of the following:
 - a. Sulfur content: 25 ppm by weight;
 - b. Aromatics: 2.7% by volume;
 - c. Olefins: 2.5% by volume;
 - d. Fuel ethanol: 0.4% by volume;
 - e. ~~RVP-VAPOR~~ PRESURE: 0.3 psi;
 - f. 50% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results;
 - g. 90% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results;
 - h. E200: 2.5% by volume;
 - i. E300: 3.5% by volume; or
 - j. API gravity: 0.3° API.
2. If the absolute value of the difference between the results of the analyses conducted by the registered supplier and independent laboratory is larger than one of the values specified in subsection (H)(1), the registered supplier shall use one of the following for certification of the batch of Arizona CBG or AZRBOB under subsection (B):
 - a. The larger of the two values for each fuel property, except the smaller of the two values shall be used for measures of oxygenates; or
 - b. Have a second independent laboratory analyze the Arizona CBG or AZRBOB for each fuel property. If the difference between the results obtained by the second independent laboratory and those obtained by the registered supplier are within the range listed in subsection (H)(1), the registered supplier's results shall be used for certifying the Arizona CBG or AZRBOB under subsection (B).

R20-2-753. General Requirements for Pipelines and Third-party Terminals

- A.** A pipeline or third-party terminal shall not accept Arizona CBG or AZRBOB for transport unless:
 1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner, oxygenate blender, pipeline, or third-party terminal registered with the Department under R20-2-750; and
 2. The registered supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in R20-2-751(A) or (B), as applicable, without reproducibility or numerical rounding.
- B.** A pipeline or third-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or third-party terminal shall retain the sample for at least 30 days unless this time is extended for an individual sample for up to 180 days by the Director.
- C.** A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a frequency of at least one sample from one batch completing shipment for each registered supplier each day at each input location.
- D.** A pipeline shall provide the Director with a report summarizing the quality control testing results obtained under subsection (C) within 10 days of the end of each month. The report shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the Arizona CBG or AZRBOB was transported by pipeline, present sample location, and laboratory analysis results.
- E.** If a batch does not meet the standards in R20-2-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the Director by fax within 48 hours of the batch volume and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results.

- F. If a batch does not meet the standards in R20-2-751(A) or (B), as applicable, including reproducibility, the pipeline or third-party terminal shall notify the Director by fax within 24 hours of the batch quantity and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results. If the batch is in the pipeline's or third-party terminal's control, the pipeline or third-party terminal shall prevent release of the batch from a distribution point until the batch is certified as meeting the standards in R20-2-751(A) or (B), as applicable.
- G. A pipeline or third-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or third-party terminal's laboratory testing. The QA/QC program for a pipeline or third-party terminal shall include a description of the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported to the CBG-covered area meets the standards in R20-2-751(A) or (B). A pipeline or third-party terminal shall submit the QA/QC program to the Director for approval at least three months before the pipeline or third-party terminal begins to transport Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the pipeline's or third-party terminal's laboratory testing produces data that are complete, accurate, and reproducible. If a pipeline or third-party terminal makes significant changes to the QA/QC program, the pipeline or third-party terminal shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the quality objectives originally approved by the Department. The Director shall approve the changed QA/QC program if it meets the quality objectives.
- H. A portion of a facility that a third-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but the third-party terminal shall operate the exempt portion of the facility in compliance with requirements for registered suppliers in R20-2-752 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.

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 two years from the date of blending.
- B. One of two 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.

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 AZRBOB, for purposes of compliance with Table 2, are determined by adding the specified amount of fuel ethanol to a representative sample of the AZRBOB and testing the resulting gasoline using the test methods in R20-2-759 or certifying the ARZBOB using the CARBOB model. If the registered supplier designates a range of amounts of fuel ethanol to be added to the AZRBOB, the minimum designated amount of fuel ethanol shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Department shall determine whether the AZRBOB complies

with applicable fuel properties and performance standards, excluding requirements for RVP-VAPOR PRESSURE, without adding fuel ethanol to the AZRBOB.

- b. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the fuel ethanol added to the representative sample under subsection (A)(1)(a) is representative of the fuel ethanol the registered supplier reasonably expects will be subsequently added to the AZRBOB.

2. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under R20-2-751 by adding the minimum amount of fuel ethanol designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Department shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of fuel ethanol to the AZRBOB.

B. Restrictions on transferring AZRBOB.

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

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

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

D. Quality assurance sampling and testing requirements for a registered supplier supplying AZRBOB from a production or import facility. A registered supplier supplying AZRBOB from a production or import facility shall use an independent third-party quality assurance sampling and testing program as described in subsection (E) or conduct a quality assurance sampling and testing program that meets the requirements of 40 CFR 80.69(a)(7), as it existed on July 1, 1996, except for the changes listed in subsections (D)(1) through (D)(3). 40 CFR 80.69(a)(7), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328. The material incorporated includes no future editions or amendments.

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

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

1. Is designed and conducted by a third party that is independent of the registered supplier. To be considered independent:
 - a. The third party shall not be an employee of a registered supplier,

- b. The third party shall not have an obligation to or interest in any registered supplier, and
 - c. The registered supplier shall not have an obligation to or interest in the third party;
2. Is conducted from November 1 through ~~January~~ **MARCH** 31 on all samples collected under the program design previously approved by the Director under subsection (G);
 3. Involves sampling and testing that is representative of all Arizona CBG dispensed in the CBG-covered area;
 4. Analyzes each sample for oxygenate according to the methodologies specified in R20-2-759;
 5. Bases results on an analysis of each sample collected during the sampling period unless a specific sample does not comply with the applicable per gallon maximum or minimum standards for the fuel property being evaluated in addition to any reproducibility applicable to the fuel property;
 6. Participates in a correlation program with the Director to ensure the validity of analysis results;
 7. Does not provide advance notice, except as provided in subsection (F), of the date or location of any sampling;
 8. Provides a duplicate of any sample, with information regarding where and the date on which the sample was collected, upon request of the Director, within 30 days after submitting the report required under subsection (E)(10);
 9. Permits a Department official to monitor sample collection, transportation, storage, and analysis at any time; and
 10. Prepares and submits a report to the Director within 30 days after the sampling is completed that includes the following information:
 - a. Name of the person collecting the samples;
 - b. Attestation by an officer of the third party that the sampling and testing was done according to the program plan approved by the Director under subsection (G) and the results are accurate;
 - c. Identification of the registered supplier for whom the sampling and testing program was conducted if the sampling and testing program was conducted for only one registered supplier;
 - d. Identification of the area from which the samples were collected;
 - e. Address of each motor fuel dispensing site from which a sample was collected;
 - f. Dates on which the samples were collected;
 - g. Results of the analysis of the samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and ~~RVP~~ VAPOR PRESSURE, and the calculated VOC or NOx emissions reduction percentage, as applicable;
 - h. Name and address of each laboratory at which the samples were analyzed;
 - i. Description of the method used to select the motor fuel dispensing sites from which a sample was collected;
 - j. Number of samples collected at each motor fuel dispensing site; and
 - k. Justification for excluding a collected sample if one was excluded.
- F.** An independent third party that contracts with one or more registered suppliers to conduct a quality assurance sampling and testing program shall begin the sampling on the date selected by the Director. The Director shall inform the third party of the date selected at least 10 business days before sampling is to begin.
- G.** To obtain the Director's approval of an independent third-party quality assurance sampling and testing program plan, the person seeking the approval shall:
1. Submit the plan to the Director no later than January 1 to cover the sampling and testing period from November 1 through **January MARCH** 31 of each year, and
 2. Have the plan signed by an officer of the third party that will conduct the sampling and testing program.
- H.** No later than September 1 of each year, a registered supplier that intends to meet the requirements in subsection (D) by contracting with an independent third party to conduct quality assurance sampling and testing from November 1 through **January MARCH** 31 shall enter into the contract and pay all of the money necessary to conduct the sampling and testing program. The registered supplier may pay the money necessary to conduct the sampling and testing program to the third party or to an escrow account with instructions

to the escrow agent to release the money to the third party as the testing program is implemented. No later than September 15, the registered supplier shall submit to the Director a copy of the contract with the third party, proof that the money necessary to conduct the sampling and testing program has been paid, and, if applicable, a copy of the escrow agreement.

I. Requirements for oxygenate blenders.

1. Requirement to add fuel ethanol to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that fuel ethanol will be added to the AZRBOB, the oxygenate blender shall add fuel ethanol to the AZRBOB in the amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
2. Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending fuel ethanol with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in R20-2-759.
3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that blends AZRBOB in a motor fuel delivery truck shall conduct quality assurance sampling and testing that meets the requirements in 40 CFR 80.69(e)(2), as it existed on July 1, 1996, except for the changes listed in subsections (I)(3)(a) through (I)(3)(c). 40 CFR 80.69(e)(2), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328. The material incorporated includes no future editions or amendments.
 - a. 40 CFR 80.69(e)(2). The word “RBOB” is changed to read “AZRBOB;”
 - b. 40 CFR 80.69(e)(2)(iv). “... using the testing methodology specified at § 80.46 ...” is changed to read “... using the testing methodology specified in R20-2-759...;” and
 - c. 40 CFR 80.69(e)(2)(v). “(within the ranges specified in § 80.70(b)(2)(I))” is changed to read “(within the ranges of the applicable test methods).”
4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
 - a. An oxygenate blender that produces Arizona CBG by blending fuel ethanol with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
 - i. Obtain a flow proportional composite sample after the addition of fuel ethanol and before combining the resulting Arizona CBG with any other Arizona CBG;
 - ii. Determine the oxygen content of the Arizona CBG by analyzing the composite sample within 24 hours of blending using the methodology in R20-2-759; and
 - iii. Determine the volume of the resulting Arizona CBG.
 - b. If the test results for the Arizona CBG indicate that it does not contain the amount of fuel ethanol specified by the ranges of the applicable test methods, the oxygenate blender shall:
 - i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline or transmix upon arrival in Arizona;
 - ii. Begin an investigation to determine the cause of the noncompliance;
 - iii. Collect a representative sample every two hours during each in-line blend of AZRBOB and fuel ethanol, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
 - iv. Notify the Director in writing within one business day that the Arizona CBG does not comply with the requirements of this Article.
 - c. The oxygenate blender shall comply with subsection (I)(4)(b)(iii) until the Director determines that the corrective action has remedied the noncompliance.
5. Recordkeeping and records retention.
 - a. An oxygenate blender shall maintain, for five years from the date of each sampling, records of the following:
 - i. Sample date,

- ii. Identity of blend or product sampled,
 - iii. Container or other vessel sampled,
 - iv. Volume of final blend or shipment,
 - v. Oxygen content as determined under R20-2-759, and
 - vi. Results from all testing.
- b. The Director shall deem that Arizona CBG blended by an oxygenate blender and not tested and documented as required by this Section has an oxygen content that exceeds the standards specified in R20-2-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards in R20-2-751.
 - c. Within 20 days of the Director's written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG, the Director shall deem that the blend or shipment of Arizona CBG violates R20-2-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards and limits under R20-2-751.
- 6. Notification requirement. An oxygenate blender shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
 - 7. Quality assurance and quality control (QA/QC) program. An oxygenate blender that conducts sampling and testing under subsection (I) in the oxygenate blender's own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender's sampling and testing of Arizona CBG or AZRBOB. The oxygenate blender shall submit the QA/QC program to the Director for approval at least three months before transporting Arizona CBG. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the oxygenate blender's sampling and testing produces data that are complete, accurate, and reproducible. Instead of developing a QA/QC program, an oxygenate blender may comply with the independent testing requirements of R20-2-752(F), except that, for sampling and testing conducted under subsection (I)(3), the minimum number of samples collected and tested by the independent laboratory shall be 10% of the number of samples required to be collected and tested under subsection (I).
 - 8. An oxygenate blender that does not conduct laboratory sampling and testing required under subsection (I) in its own laboratory shall designate an independent laboratory, as described in R20-2-752(F), to conduct the sampling and testing required under subsection (I)(7).
 - 9. Within 24 hours of the Director's or designee's written request, an oxygenate blender shall submit a duplicate of any sample collected under subsection (I)(7).
- J. Subsection (A)(1)(a) will not become effective until Arizona's revised State Implementation Plan [regarding CARB-3](#) is approved by EPA.

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 one 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.

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

A. If a person transfers custody or title to Arizona CBG or AZRBOB, other than when Arizona CBG is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following:

- ~~1. Name and address of the transferor;~~
- ~~2. Name and address of the transferee;~~
3. 1. Volume of Arizona CBG or AZRBOB being transferred;
4. 2. Location of the Arizona CBG or AZRBOB at the time of transfer;
5. 3. Date of the transfer;
6. 4. Product transfer document number;
7. 5. Identification of the gasoline as Arizona CBG or AZRBOB;
8. 6. Minimum octane rating of the Arizona CBG or AZRBOB;
9. 7. For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through ~~January~~ **MARCH** 31, the minimum quantity of fuel ethanol contained in the Arizona CBG; and
- ~~10. 8. If the product transferred is AZRBOB for which fuel ethanol blending is intended:~~
 - a. Identification of the fuel as AZRBOB and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of fuel ethanol;"
 - b. Designation of the AZRBOB as suitable for blending with fuel ethanol;
 - c. Fuel ethanol amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent fuel ethanol and weight percent oxygen content; and
 - d. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for fuel ethanol amount or range of amounts.

9. FINAL DESTINATION AS IT APPLIES TO THE TRANSFEROR.

A. WHEN A TERMINAL IS ACTING AS A TRANSFEROR, THE TERMINAL IS REQUIRED TO SUPPLY THE TERMINAL NAME AND ADDRESS, THE TRANSPORTER NAME AND ADDRESS AND THE FINAL DESTINATION WHICH COULD BE A FINAL DISTRIBUTION FACILITY. A JOBBER, A MOTOR FUEL MARKETER, OR A MOTOR FUEL DISPENSING SITE [AS SUPPLIED BY THE TRANSFEEEE.](#)

B. WHEN A TRANSPORTER IS ACTING AS A TRANSFEROR THE TRANSPORTER IS REQUIRED TO SUPPLY THE TRANSPORTER NAME AND ADDRESS AND THE FINAL DESTINATION WHICH IS THE LOCATION WHERE THE MOTOR FUEL WILL BE DELIVERED AND WILL BE OFF LOADED FROM THE TRUCK.

C. WHEN THE JOBBER OR MOTOR FUEL MARKETER IS ACTING AS THE TRANSFEROR, THE JOBBER OR MOTOR FUEL MARKETER IS REQUIRED TO SUPPLY THE JOBBER OR MOTOR FUEL MARKETER'S NAME AND ADDRESS AND THE FINAL DESTINATION, WHICH COULD BE A FINAL DISTRIBUTION FACILITY OR A MOTOR FUEL DISPENSING SITE.

10. IT IS THE RESPONSIBILITY OF THE TRANSFEEEE TO SUPPLY TO THE TRANSFEROR THE ADDRESS OF THE FINAL DESTINATION.

B. A registered supplier, third-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 includes all required information for the Arizona CBG or AZRBOB.

- C. Any transferee in subsection (A), other than a registered supplier, oxygenate blender, third-party terminal, pipeline, motor fuel dispensing site, or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 24 months before the most recent transfer. The transferee shall maintain product transfer documents for the 30 days before the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 24 months elsewhere.
- D. A motor fuel dispensing site or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG transferred during the 12 months before the most recent transfer. The motor fuel dispensing site or fleet vehicle fueling facility shall maintain product transfer documents for the three most recent transfers on the premises. The motor fuel dispensing site or fleet vehicle fueling facility may maintain the remaining product transfer documents for the preceding 12 months elsewhere.
- E. A registered supplier, oxygenate blender, third-party terminal, or pipeline shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 60 months before the most recent transfer. The transferee shall maintain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 30 days preceding the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 60 months elsewhere.
- F. When a person transfers custody or title of fuel ethanol that is intended for use as a blend component in AZRBOB or Arizona CBG, the person shall provide the transferee a document that prominently states that the fuel ethanol complies with the standards for fuel ethanol intended for use as a blend component in AZRBOB or Arizona CBG.
- G. Upon request by the Director or designee, a person shall present product transfer documents to the Department within two working days of the request. Legible photocopies of the product transfer documents are acceptable.

R20-2-759. Testing Methodologies

- A. Except as provided in subsection (C), a registered supplier or importer certifying Arizona CBG or AZRBOB as meeting the requirements of this Article shall use one of the methods listed in Table A. A copy of the EPA- or CARB-approved ASTM methods may be obtained at: ASTM INTERNATIONAL (FORMERLY, American Society for Testing and Materials), 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959. A copy of the CARB methods may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- B. An oxygenate blender or third-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG-covered area shall measure fuel ethanol in accordance with the oxygenate blender's or third-party terminal's approved QA/QC program or in accordance with one of the methods listed in Table A.
- C. Rather than using a method listed in Table A to certify Arizona CBG or AZRBOB, a registered supplier may use the CARBOB Model and use the fuel-quality measures calculated using the CARBOB Model for compliance and reporting purposes.
- D. A test method that the Department determines is equivalent to those listed in Table A may be used to certify Arizona CBG or AZRBOB. The Department has determined that test methods approved by either the EPA or CARB are equivalent test methods. To determine whether a proposed test method is equivalent to those listed in Table A, the Department shall thoroughly review data from both the proposed and designated test methods and assess whether the accuracy and precision of the proposed method is equal to or better than the accuracy and precision of the designated method and whether there is significant bias between the two methods. The Department shall approve a proposed test method only if the Department determines that the accuracy and precision of the proposed test method is equal to or better than the accuracy and precision of the designated method AND THE EPA REGIONAL ADMINISTRATOR CONCURRED. A correlation equation may be required to align the two methods. If a correlation equation is required to align the two methods, the correlation equation becomes part of the equivalent method.
- E. Subsections (C) and (D) will not become effective until Arizona's revised State Implementation Plan ~~regarding CARB-3~~ is approved by EPA.

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

Fuel Parameter	Units	EPA-approved Test Method	EPA-approved Reproducibility	CARB-approved Test Method	CARB-approved Reproducibility
Aromatics	V%	D 5769-04-98			
	V%	D 1319-03 02a ^A	1.65	D 5580-00	1.4
Benzene	V%	D 3606-07 99	0.21	D 5580-00	0.1409 (X) ^{1.133}
Olefins	V%	D 1319-03 02a	0.32 (x) ^{0.5}	D 6550-05 00 If correlated to D1319	0.32 (X) ^{0.5} Footnote 1
Oxygenates	W%	D 5599-00	See test method	D 4815-04 99	See test method
	W%	D 4815-04 99 ^B	See test method		
Vapor Pressure (Correlation Equation) Footnote 2	psi	D 5191-07-04	0.3	13 CCR Section 2297	0.21
Sulfur	wppm	D 2622-05 98		D 5453-93	0.2217 (x) ^{0.92} wppm
				D 2622-94 (modified)	10-30 wppm R=0.405 (x) > 30 wppm R =0.192 (x)
Distillation T50	deg F	D 86-07b 04	See test method	D 86-99ae1	See test method
Distillation T90	deg F	D 86-07b 04	See test method	D 86-99ae1	See test method

^A A refinery or importer may determine aromatics content using ASTM D 1319-02a 03 if the result is correlated to ASTM D 5769-04 98.

^B A refinery or importer may determine oxygenate content using ASTM D 4815-99-04 if the result is correlated to ASTM D 5599-00, (2005).

Footnotes:

1. Replace the last sentence in ASTM D 6550-05 00 Section 1.1 with the following: “The application range is from 0.3 to 25 mass percent total olefin, as defined in Section 2263(b), Title 13, California Code of Regulations. If olefin concentrations are not detected, substitute one-half of the detection limit.”
2. When determining VAPOR PRESSURE RVP, the only correlation equation to be used is the CARB (VAPOR PRESSURE RVP=(0.972 X Ptot) – 0.715).

R20-2-760. Compliance Surveys

- A.** A registered supplier that elects to certify that Arizona CBG or AZRBOB meets an averaging standard under R20-2-751 shall ensure that compliance surveys are conducted in accordance with a compliance survey program plan approved by the Director. The Director shall approve a compliance survey program plan if it:

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

1. Is designed and conducted by a surveyor that is independent of the registered supplier. To be considered independent:
 - a. The surveyor shall not be an employee of any registered supplier,
 - b. The surveyor shall not have an obligation to or interest in any registered supplier, and
 - c. The registered supplier shall not have an obligation to or interest in the surveyor;
2. Includes enough samples to ensure that the average levels of oxygen, VAPOR PRESSURE RVP, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95% confidence level, with error of less than 0.1 psi for VAPOR PRESSURE RVP, 0.1% for oxygen (by weight), 0.5% for aromatic hydrocarbons (by volume), 0.5% for olefins (by volume), **50µg for T50** and T90, and 10 wppm for sulfur;
3. Requires that the surveyor not provide advance notice, except as provided in subsection (H), of the date or location of any survey sampling;
4. Requires that the surveyor provide a duplicate of any sample taken during the survey, with information regarding the name and address of the facility from and the date on which the sample was taken, upon request of the Director, within 30 days following submission of the survey report required under subsection (G)(6);
5. Requires that the surveyor permit a Department official to monitor sample collection, transportation, storage, and analysis at any time;
6. Requires the surveyor to submit a report of each survey to the Director within 30 days after sampling for the survey is completed that includes the following information:
 - a. Name of the person conducting the survey;
 - b. Attestation by an officer of the surveyor that the sampling and testing was conducted according to the compliance survey program plan and the results are accurate;
 - c. Identification of the registered supplier for whom the compliance survey was conducted if the compliance survey was conducted for only one registered supplier;
 - d. Identification of the area from which survey samples were selected;
 - e. Dates on which the survey was conducted;
 - f. Address of each facility at which a sample was collected, and the date of collection;
 - g. Results of the analysis of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and VAPOR PRESSURE RVP, and the calculated VOC or NO_x emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (A)(1);
 - h. Name and address of each laboratory at which samples were analyzed;
 - i. Description of the method used to select the facilities from which a sample was collected;
 - j. Number of samples collected from each facility;
 - k. Justification for excluding a collected sample from the survey, if one was excluded; and
 - l. Average VOC and NO_x emissions reduction percentage.
- H.** An independent surveyor shall begin each survey on a date selected by the Director. The Director shall notify the surveyor of the date selected at least 10 business days before the survey is to begin.
- I.** To obtain the Director's approval of a compliance survey program plan, the person seeking approval shall:
 1. Submit the plan to the Director no later than January 1 to cover the survey period of May 1 through September 15 of each year; and
 2. Have the plan signed by a corporate officer of the registered supplier or by an officer of the independent surveyor.
- J.** No later than April 1 of each year, a registered supplier that intends to meet the requirements in subsection (A) by contracting with an independent surveyor to conduct the compliance survey plan for the next summer and winter season shall enter into the contract and pay all of the money necessary to conduct the compliance survey plan. The registered supplier may pay the money necessary to conduct the compliance survey plan to the independent surveyor or to an escrow account with instructions to the escrow agent to

release the money to the independent surveyor as the compliance survey plan is implemented. No later than April 15, the registered supplier shall submit to the Director a copy of the contract with the independent surveyor, proof that the money necessary to conduct the compliance survey plan has been paid, and, if applicable, a copy of the escrow agreement.

R20-2-761. 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.
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 one 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.

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).

Table 1. Type 1 Arizona CBG Standards

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

	Non-averaging Option	Averaging Option		
	A	B	C	D
Performance Standard/Fuel Property**	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥ 27.5	≥ 29.0	≥ 25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥ 5.5	≥ 6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - October 31 and February 1 - April 30***	≥ 0.0	N/A	N/A	N/A
Oxygen content: fuel ethanol, (% by weight unless otherwise noted) Nov. 1 - January MARCH 31**** February APRIL 1 - October 31	N/A 0.0*	N/A N/A	N/A 0.0	N/A 3.7
Oxygen content: other than fuel ethanol, (% by weight) Nov. 1 - January MARCH 31**** February APRIL 1 - October 31	N/A 0.0	N/A N/A	N/A 0.0	N/A ****
<p>* Maximum oxygen content shall comply with the EPA oxygenate waiver requirements and with A.R.S. § 41-2122.</p> <p>** Dates represent compliance dates for the owner of a motor fuel dispensing site or a fleet vehicle fueling facility.</p> <p>*** A registered supplier shall certify all Arizona CBG as Type 2 Arizona CBG meeting the standards in Table 2 beginning November 1 through January MARCH 31.</p> <p>**** As specified in A.R.S. § 41-2122.</p>				

Table 2. Type 2 Arizona CBG Standards

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

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

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

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

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

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

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

