

Katie Hobbs
Governor



Paul E. Brierley
Director

ARIZONA DEPARTMENT OF AGRICULTURE

WEIGHTS AND MEASURES SERVICES DIVISION

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To the Regulated Industry:

In order to proactively address the pending gasoline supply issues, the Arizona Department of Environmental Quality (ADEQ), on behalf of Governor Katie Hobbs, petitioned the U.S. Environmental Protection Agency (EPA) for a waiver allowing the transport, delivery, and sale of gasoline other than Arizona Cleaner Burning Gasoline (CBG) to the retail outlets in the CBG-covered area¹. EPA granted the waiver today.

As of **09/02/2023**, the EPA is waiving the requirements for the transport, delivery, and sale of the summertime CBG requirements included in the Arizona State Implementation Plan. This action will allow regulated parties to supply conventional gasoline or CARB Phase 3 gasoline in the CBG-covered area. EPA's enforcement discretion will continue until midnight on **09/21/2023**.

The Division will exercise its enforcement discretion regarding the statutes and administrative rules found in A.R.S. Title 3, Chapter 19 and A.A.C. Title 3, Chapter 7, Article 7 with respect to CBG within the CBG-covered area for the same time period. To comply with this enforcement discretion, regulated parties shall take all reasonable steps to distribute and sell on-hand inventories of gasoline that would otherwise meet applicable Federal and State standards. The EPA waiver, in combination with this letter, effectively permits the transport, delivery, and sale of conventional gasoline with an RVP, as stated in the EPA waiver in the CBG-covered area.

The Division defines taking reasonable steps as contacting the suppliers you would interact with in the normal course of business and offering to purchase motor fuels meeting applicable State standards. If those suppliers indicate that there is no supply of CBG or CARB Phase 3 gasoline, then conventional fuel may be acquired and sold. The Division believes that if you have followed these steps, you have made a reasonable effort to acquire gasoline that would meet applicable Federal and State standards.

The Division will notify regulated parties if necessary due to new developments. Should you have any questions regarding the exercise of enforcement discretion, please contact us at dwm@azda.gov.

Sincerely,

Vince Wolpert
Compliance Manager

¹ Cleaner Burning Gasoline (CBG)-Covered area as defined in A.A.C. R3-7-701.