

## Arizona Department of Agriculture, Weights and Measures Services Division

### Arizona Administrative Code, Title 3, Chapter 7 – Summary of Draft Updates

Below is a summary of revisions to the initial draft of proposed changes to A.A.C. Title 3, Chapter 7. This summary includes all proposed changes made following the stakeholder workshops held April 12 and April 14, and does not include minor editorial revisions to the rules. Please note the following when reading the proposed rules:

1. Strike-through text is proposed for removal from the rules. (Example: ~~Strike-through text~~)
2. Underlined text is proposed for addition to the rules. (Example: Underlined text)
3. Text without strike-through or underline is existing text that is proposed to be retained.
4. Proposed changes to rules since workshops on April 12 and 14<sup>th</sup> are highlighted in yellow.
5. Line numbers have been added to the draft of the proposed rules. Line numbers may be used to reference a specific portion of the rules when preparing comments.

Citation	Reason for Revision
R3-7-101(20)	Implemented stakeholder suggestion to adopt definition verbatim out of Handbook 133, instead of referencing Handbook 133 in the definition.
R3-7-101(27)	Removed the portion of the definition that reads “for profit by someone in the business of selling the commodity”, as this was identified as a potential conflict with A.R.S. § 3-3415(A)(1).
R3-7-201	Added new sections (B) and (C) regarding change of business name, address, or ownership.
R3-7-501	Modified subsection (E) and added subsection (F) regarding change of business name, address, or ownership.
R3-7-601	Modified subsection (G) and added subsection (H) regarding change of business name, address, or ownership.
R3-7-701	Updated definition of “blender” to “CBG blender.” This clarifies that this definition only applies to registered suppliers certifying CBG. It is not meant to apply to E15 blending.
R3-7-701	Clarified E15 definition to mean a gasoline containing more than 10 and no more than 15 volume percent ethanol. This terminology was updated throughout rule.
R3-7-701	Added a new definition of “ethanol.” This term was updated in document to differentiate between “ethanol” and “fuel ethanol,” depending on the use of the term in the rule.
R3-7-701	Updated the term “producer” to include CBG blender.
R3-7-701(A)(17)	Added reference to NIST Handbook 158 for E15 sampling test procedures in R3-7-760.
R3-7-702(B)	Removed language that made Subsection (A)(13) contingent on EPA SIP approval.
R3-7-704	Updated the term “fuel” to “motor fuel” throughout rule. Clarified motor fuel type allowable descriptions based on feedback from the April 12 <sup>th</sup> workshop.
R3-7-707(C)	Added oxygenate blenders as a party allowed to use standardized product codes.
R3-7-708(B)	Added ethanol flex fuel to the list of fuels that must ensure fuel ethanol meets certain requirements when being used as a blend component.
R3-7-708(D)	Added a hyphen to the term “gasoline-ethanol” blends throughout rule.

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R3-7-708(F)	Added requirements for E15 sold in the CBG-covered area similar to those outlined for ethanol flex fuel contained in R3-7-708(E).
R3-7-715(D)	Deleted the ASTM test methods outlined for determining the octane rating of a motor fuel. Instead, the rule states the octane rating shall be determined and certified in accordance with 16 CFR 306. This will allow flexibility regarding certification of the octane rating following the federal rules.
R3-7-749	Modified the term “oxygenate-blending facility” to better clarify that a facility that is blending additional oxygenate or ethanol flex fuel into AZRBOB or Arizona CBG to produce an E15 blend is considered to be an “oxygenate-blending facility.”
R3-7-749	Deleted definition of “Oxygenated Arizona CBG”. This term was only used once in R3-7-757(A)(7). Rule modified so term no longer needed.
R3-7-749	Updated definition of “produce” to reflect the same changes made to the definition of “oxygenate-blending facility.”
R3-7-751(A)(8)	Based on comments received during the workshop, the additional language that was previously added to this section has been removed, reverting to the existing language.
R3-7-751(C)	Added language to clarify: 1) AZRBOB/CBG shall be certified using 10% by volume ethanol or 2.7% by weight for other oxygenates; and 2) PM alternative gasoline formulations shall be certified with an oxygen content of 1.8 to 2.2 percent by weight.
R3-7-751(I)	Clarified language to certify PM alternative gasoline formulations using a minimum oxygen content of 1.8 percent by weight and a maximum oxygen content of 2.2 percent by weight based on comments received during the workshop.
R3-7-755(E)(3)(d), (E)(3)(e) and (E)(5)(b)	Clarified language to state that reproducibility is included.
R3-7-755(E)(6)(b)	Clarified language based on comments received during the workshop.
R3-7-755(F)	Added language to clearly state that an oxygenate blender who follows the requirements for AZRBOB or Arizona CBG Recertification is exempt from the requirements to register as a ‘registered supplier’ and complete the certification requirements applicable to a registered supplier.
R3-7-755(F)(2)	Clarified that new product transfer documentation is not required when gasoline is blended and dispensed at a motor fuel dispensing facility.
R3-7-755(F)(4)	Clarified the requirements that oxygenates and ethanol flex fuel must meet to be blended with AZRBOB or Arizona CBG.
R3-7-757(A)(7)	Reworded “oxygenated Arizona CBG” to “Arizona CBG that contains an oxygenate.” The definition “oxygenated Arizona CBG” was only used in the rule, so with this rewording, the definition in R3-7-749 was deleted.
R3-7-759(E)	Removed language that made Subsections (C) and (D) contingent on EPA SIP approval.

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Table A	Combined approved test methods into one column. Removed footnotes A and B since these are addressed in paragraph (D) that states “A correlation equation <del>may be required</del> <u>shall be used</u> to align the two methods <u>if required by EPA, CARB, or the ASTM test method</u> . If a correlation equation is required to align the two methods, the correlation equation becomes part of the equivalent method.”
R3-7-760	Added an introductory paragraph that clarifies the winter and summer survey requirements and the applicable requirements for each survey type.
R3-7-760(A)(2)	Added a clarifying statement that the sampling and testing rates shall be followed regardless of the amount of oxygenate added (does not matter if it is E10 or E15).
R3-7-760(A)(4)	Clarified that the survey requirements outlined in subsection (A) shall be done by a registered supplier even if other registered suppliers are also performing this survey.
R3-7-760(B)	Clarified language for a “winter oxygenate blending survey.”
R3-7-760(B)(5)	Added language to mirror EPA requirements for the sampling method for E15.
R3-7-760(B)(6)	Added language to mirror EPA requirements for the survey to include review of labeling requirements for E15.
R3-7-760(C)	Clarified that a registered supplier could use an independent third-party surveyor to conduct the summer compliance survey.
R3-7-760(D)	Clarified language for independent third-party surveys.
R3-7-760(D)(8)	Moved this language from previous paragraph (E). Added the phrase “or as approved in the survey program” to provide flexibility for the agency and independent third-party survey company to agree on alternative methods.
R3-7-901 through R3-7-913	Originally proposed to repeal this Article. Decision made to retain this Article based on stakeholder feedback about the possibility of Stage II Enhanced Vapor Recovery (“EVR”) as a Best Available Control Technology (“BACT”) option for emissions reduction in ozone nonattainment areas. Stage II Vapor Recovery and Stage II EVR is still prohibited in ozone nonattainment areas under A.R.S. § 3-3512(K)