

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R3-7-101. Definitions

The definitions in A.R.S. §§ 3-3401, 3-3414, 3-3436, and 3-3511 and the following definitions apply to this Chapter:

1. “ADEQ” means the Arizona Department of Environmental Quality.
2. “Administrative order” means a ~~corrective action~~ notice that the Division issues for a violation of A.R.S. Title 3, Chapter 19, or this Chapter, that orders a person to take corrective action, and may include hold or removal orders, Warning, Out-of-Service, and Stop-Sale, Stop-Use tags.
 - ~~a. Remove from use or sale, or dispose of, a commercial device, commodity, or liquid fuel;~~
 - ~~b. Stop selling a commodity or liquid fuel until the person provides documentation to the Division that the weight, measure, fuel quality, or price posting complies with the requirements of A.R.S. Title 3, Chapter 19, and this Chapter;~~
 - ~~c. Stop using a commercial device, commodity, liquid fuel, vapor recovery system, or vapor recovery system component, until the person provides documentation to the Division that the weight, measure, fuel, vapor recovery system, or component complies with the requirements of A.R.S. Title 3, Chapter 19, and this Chapter;~~
 - ~~d. Stop performing weighmaster, deputy public weighmaster, registered service agency, or registered service representative licensed duties until the person provides documentation to the Division that the person is complying with the requirements of A.R.S. Title 3, Chapter 19, and this Chapter;~~

- 24 ~~e. Comply with labeling, policies, and cash register indicator displays according to~~
25 ~~A.R.S. Title 3, Chapter 19, and this Chapter;~~
- 26 ~~f. Stop constructing or modifying a vapor recovery system until the person~~
27 ~~complies with A.R.S. Title 3, Chapter 19, and this Chapter;~~
- 28 ~~g. Excavate a vapor recovery site according to R3-7-104(L); or~~
- 29 ~~h. Comply with scheduling a test according to R3-7-104(L).~~
- 30 3. “Application” means, for purposes of R3-7-108, forms and all documents and
31 additional information the Division requires an applicant to submit when applying
32 for a license.
- 33 4. “ASTM” means ~~American Society for Testing and Materials~~ ASTM International.
- 34 5. “Area A” has the same meaning as in A.R.S. § 49-541.
- 35 6. “Area B” has the same meaning as in A.R.S. § 49-541.
- 36 7. “Area C” has the same meaning as in A.R.S. § 3-3401.
- 37 8. “Authority to Construct” means written pre-approval by the Division to allow
38 construction of vapor recovery systems.
- 39 ~~7.9.~~ “CARB” means the California Air Resources Board.
- 40 ~~8.10.~~ “CARB-certified-CARB-certified” means, with respect to a vapor recovery
41 system or component, that the system or component has been certified in an
42 executive order of the a CARB Executive Order.
- 43 ~~9. “Certified prover” means a calibrated device, traceable to the National Institute of~~
44 ~~Standards and Technology, used for measuring liquid volume.~~

45 ~~10. “Completion of construction” means the point when a gasoline dispensing site is~~
46 ~~placed into or returned into service following installation or modification of an~~
47 ~~approved vapor recovery system.~~

48 ~~11. “Construction commenced” means the point in time when construction of a gasoline~~
49 ~~dispensing site begins:~~

50 ~~a. At a location where there was not one previously;~~

51 ~~b. To replace all gasoline storage tanks; or~~

52 ~~c. To replace, repair, or modify at least 75% of the facility's gasoline dispensing~~
53 ~~equipment.~~

54 ~~12.11. “EPA” means the United States Environmental Protection Agency.~~

55 12. “Field calibration standard” has the same meaning as “secondary standards” in
56 A.R.S. § 3-3401(38), and includes all test equipment such as weights, weight
57 sets, measures, meters, counters, or other devices that are required for use by
58 registered service agencies and representatives to certify the accuracy of
59 commercial devices, and are required to be approved annually by the state
60 metrology laboratory under A.R.S. § 3-3416.

61 13. “Gasoline vapors” means volatile organic compounds in a gaseous state.

62 14. “Handbook 44” means the United States Department of Commerce, Technology
63 Administration, National Institute of Standards and Technology (NIST) Handbook
64 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and*
65 *Measuring Devices*, Government Publishing Office, P.O. Box 979050, St. Louis,
66 MO 63197-9000 or bookstore.gpo.gov (2018-2022 edition), incorporated by

67 reference and on file with the Division. This incorporation by reference contains no
68 future editions or amendments.

69 15. “Handbook 130” means the United States Department of Commerce, Technology
70 Administration, National Institute of Standards and Technology (NIST) Handbook
71 130, *Uniform Laws and Regulations*, Government Publishing Office, P.O. Box
72 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2018-2022 edition),
73 incorporated by reference and on file with the Division. This incorporation by
74 reference contains no future editions or amendments.

75 16. “Handbook 133” means the United States Department of Commerce, Technology
76 Administration, National Institute of Standards and Technology (NIST) Handbook
77 133, *Checking The Net Contents of Packaged Goods*, Government Publishing
78 Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (January
79 2018-2020 edition), incorporated by reference and on file with the Division. This
80 incorporation by reference contains no future editions or amendments.

81 ~~17. “Malfunction” means any failure of gasoline vapor recovery equipment to operate in~~
82 ~~the normal and usual manner.~~

83 ~~18. “Modification” means adding to, replacing, or upgrading a site's stage II vapor~~
84 ~~recovery system, but does not include the repair or replacement of like parts.~~

85 ~~19.~~17. “Monthly throughput” means the total amount of gasoline transferred into or
86 dispensed from a gasoline dispensing site during one calendar month.

87 ~~20.~~18. “Motor vehicle” means any vehicle equipped with a spark-ignited internal
88 combustion engine, except vehicles that run on or are guided by rails, and vehicles
89 that are designed primarily for travel through air or water.

90 ~~21.~~19. “NCWM” means the National Conference on Weights and Measures.

91 20. “Net quantity” means that quantity of packaged product remaining after all
92 necessary deductions for tare have been made.

93 ~~22.~~21. “NIST” means the National Institute of Standards and Technology.

94 ~~23.~~22. “Operator” means a person in control of, or having responsibility for, the daily
95 operation of a gasoline dispensing site.

96 ~~24.~~23. “~~Out-of-service~~ Out-of-Service tag” means a red rejection tag that prohibits the
97 further commercial use of a device, signifies ~~signifying~~ that a commercial device
98 does not meet the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, or this
99 Chapter.

100 ~~25.~~ “Person” as defined in A.R.S. § 3-3401, means an owner or operator of a
101 ~~commercial device or vapor recovery system, retail seller, wholesaler, registered~~
102 ~~supplier, pipeline distributor, packer, manufacturer, licensee, transporter, or~~
103 ~~consignee.~~

104 24. “Person” has the same meaning as prescribed in A.R.S. § 3-3401, but includes an
105 owner or operator of a commercial device or vapor recovery system, retail seller,
106 wholesaler, registered supplier, pipeline, third-party terminal, packer, manufacturer,
107 licensee, transporter, or consignee.

108 ~~26.~~25. “Placed in service” means the certification by a registered service agency or
109 representative that a commercial device meets the requirements of Title 3, Chapter
110 19, Handbook 44, and this Chapter and may be used, unless the Division orders
111 otherwise.

112 ~~27.~~26. “Placed-in-service report” means the form that a registered service representative
113 completes and submits to the Division after ~~placing~~ newly installing a commercial
114 device or restoring a commercial device ~~in~~into service.

115 ~~28.~~ “Product transfer document” means ~~the bill of lading, loading ticket, manifest,~~
116 ~~delivery receipt, invoice, or other customarily used documentation to denote delivery~~
117 ~~information for motor fuel.~~

118 ~~29.~~27. “Retail” means the sale of a commodity to a consumer ~~for profit by someone in~~
119 ~~the business of selling the commodity.~~

120 ~~28.~~ “Retail price inspection” means the inspection of a retail location for compliance
121 with retail price posting or retail price verification requirements.

122 ~~30.~~29. “Seal of ~~authority~~Authority” means a physical or electronic stamp or press of
123 the Division official mark, issued to a public weighmaster, certifying the public
124 weighmaster's authority to issue weight certificates.

125 ~~31.~~30. “Service Counter” means a display staffed by a sales associate and requires a
126 customer to receive assistance in order to purchase a product.

127 ~~32.~~ “Seizure” means ~~taking into physical possession, or otherwise securing for evidence,~~
128 ~~a commodity, liquid fuel, weight, measure, commercial device, or component of a~~
129 ~~device by the Division.~~

130 ~~31.~~ “Stage I vapor recovery system” has the same meaning as in A.R.S. § 3-3511.

131 ~~33.~~32. “Stage II vapor recovery system” means a system where at least ninety percent
132 by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank
133 during refueling are transferred to a vapor-tight holding system or vapor control
134 system.

135 ~~34.33.~~ “Stop-sale, stop-use tag” “Stop-Sale, Stop-Use tag” means a blue tag or blue tape
136 that signifies that a commercial device, including a vapor recovery system or vapor
137 recovery component, or a commodity or liquid fuel, does not meet the requirements
138 of A.R.S. Title 3, Chapter 19, Handbook 44, Handbook 130, Handbook 133, CARB
139 Executive Orders, or this Chapter.

140 ~~35.~~ “Third party registered service agency” means a registered service agency that
141 performs work under contract for any business or company.

142 ~~36.~~ 34. “Underground storage tank” means a tank as described in A.R.S. § 49-1001.

143 ~~37.~~ “Unit” means a quantity adopted as a standard of measurement.

144 ~~38.~~ 35. “Vapor recovery registered service representative” means an individual to whom
145 the Division has issued a license authorizing the individual to conduct all vapor-
146 recovery tests required under A.R.S. Title 3, Chapter 19, or this Chapter including
147 annual vapor-recovery tests.

148 ~~36.~~ “Vapor recovery test equipment” means all test equipment such as measures, meters,
149 counters or other devices that are required for use by registered service agencies and
150 representatives to verify the performance of vapor recovery systems, and are
151 certified according to CARB test procedures, manufacturer specifications or this
152 Chapter.

153 ~~39.~~ 37. “Warning tag” means a yellow tag that signifies a commercial device, vapor
154 recovery system, or vapor recovery component does not comply with Title 3,
155 Chapter 19, Handbook 44, CARB Executive Orders, or this Chapter.

156 40.38. "Weight certificate" means a document, issued by a public weighmaster in a
157 form approved by the Division, which certifies the accuracy of the weight of the
158 commodity measured.

159 **R3-7-102. Metrology Laboratory Testing and Calibration Fees**

160 **A.** For all services of the Division's Metrology Laboratory, the Division shall charge \$110
161 per hour with a minimum charge of \$50.

162 **B.** In addition to the fee in subsection (A), the Division shall charge for travel and per diem
163 at the rates established under A.R.S. §§ 38-623(D) and 38-624(C) for tests or
164 calibrations conducted outside the Metrology Laboratory.

165 **R3-7-103. Licensing and Fees**

166 **A.** A license is effective on the first day of the month following the date that the license
167 application is filed with the Division. If an application is filed on the first of a month and
168 is complete and accurate, the license is effective on the first day of that month.

169 **B.** A payment is delinquent if not received or postmarked on or before the due date. The
170 Division shall not process a license or renewal application for which payment is
171 delinquent.

172 **C.** If the Division receives payment for a license that excludes the payment of applicable
173 late fees or past due civil penalties, the Division shall apply the license fee payment to
174 the licensee's account and issue a separate invoice for the additional monies owed to the
175 Division. The license will not be issued by the Division until all fees due are paid.

176 **R3-7-104. Administrative Enforcement Action**

- 177 ~~A. The Division shall take progressive enforcement action for~~ For a violation of A.R.S.
178 Title 3, Chapter 19, CARB Executive Orders, Handbook 44, Handbook 130, Handbook
179 133, or this Chapter, the Division may:
- 180 1. Issue a Warning, Out-of-Service, Stop-Sale, Stop-Use tag, or issue another
181 administrative order under A.R.S. § 3-3415;
 - 182 2. Seize or condemn a Seal of Authority, weight, measure, or other commercial device
183 under A.R.S. §§ 3-3414 and 3-3415;
 - 184 3. Impose a civil penalty under A.R.S. §§ 3-3473 and 3-3475;
 - 185 4. Revoke or suspend a license under A.R.S. § 3-3472;
 - 186 5. Utilize appropriate progressive enforcement action; or
 - 187 6. Implement any combination of the above.
- 188 ~~B. The Division shall make available a copy of its inspection report to the person who owns~~
189 ~~or operates a location that the Division inspects. The report shall include the inspection~~
190 ~~results and violations. The Division shall send a copy of the inspection report to the~~
191 ~~owner of a location by e-mail if the owner has provided an e-mail address to the~~
192 ~~Division. Inspection results and violations shall be posted on the Division website.~~ The
193 Division may inspect or examine premises, equipment, or relevant records to determine
194 compliance with A.R.S. Title 3, Chapter 19, CARB Executive Orders, Handbook 44,
195 Handbook 130, Handbook 133, or this Chapter. Failure of a regulated person to comply
196 with such inspection or examination shall be considered a violation under A.R.S. § 3-
197 3473(A)(1).
- 198 ~~C. The person who owns or operates a location inspected by the Division may request a~~
199 ~~hearing under R3-7-109 to dispute the inspection results, violation, or enforcement~~
200 ~~action.~~ In addition to the enforcement action in subsection (A), the Division may issue

201 an administrative order requiring a person to excavate a vapor recovery system if the
202 person buries a vapor recovery system or component prior to a Division pre-burial
203 inspection.

204 ~~D. The Division shall suspend, revoke, or refuse to renew any license if the licensee does~~
205 ~~not comply with an enforcement action imposed under this Section.~~

206 ~~E. A maximum civil penalty may be doubled as stated in A.R.S. § 3-3475(C).~~

207 ~~F. Commercial device.~~

208 ~~1. The Division may place out of service an unlicensed commercial device that it~~
209 ~~determines has been in use for more than 30 days.~~

210 ~~2. The Division may confiscate a commercial device when a person violates an~~
211 ~~administrative order related to that commercial device, or removes a warning tag,~~
212 ~~out-of-service tag, or stop-sale, stop-use tag issued to that commercial device~~
213 ~~without Division authority.~~

214 ~~3. The Division may condemn and confiscate a weight, measure, or other commercial~~
215 ~~device that the Division determines is incorrect and not capable of compliance with~~
216 ~~Handbook 44.~~

217 ~~4. The Division shall issue an out-of-service tag or a stop-sale, stop-use tag if a~~
218 ~~commercial device is not in compliance with the requirements in A.R.S. Title 3,~~
219 ~~Chapter 19, Handbook 44 or this Chapter and the lack of compliance creates a~~
220 ~~situation favorable to the person who owns or operates the commercial device.~~

221 ~~a. A person shall not use a commercial device that has an out-of-service tag until~~
222 ~~the person repairs the commercial device.~~

- 223 ~~b. A person shall not sell or use a commercial device that has a stop sale, stop use~~
224 ~~tag until the commercial device meets the requirements of A.R.S. Title 3,~~
225 ~~Chapter 19, Handbook 44, and this Chapter.~~
- 226 ~~5. The Division shall issue a warning tag when a commercial device is not in~~
227 ~~compliance with the requirements in A.R.S. Title 3, Chapter 19, Handbook 44, or~~
228 ~~this Chapter and the lack of compliance creates a situation favorable to the~~
229 ~~consumer. The Division shall issue an out of service tag if the commercial device is~~
230 ~~not repaired by the deadline on the warning tag. A person shall not use a commercial~~
231 ~~device after the period specified on the warning tag for repair unless the commercial~~
232 ~~device complies with A.R.S. Title 3, Chapter 19, Handbook 44, and this Chapter.~~
- 233 ~~6. The Division may issue an out of service tag if a commercial device does not have a~~
234 ~~non-tampering seal affixed.~~
- 235 ~~7. The Division shall issue an out of service tag if a Division inspector cannot conduct~~
236 ~~an inspection of a commercial device because of malfunction, abnormal~~
237 ~~performance, or a potential safety risk that the person who owns or operates the~~
238 ~~commercial device does not correct within 30 minutes of the attempted inspection.~~
- 239 ~~8. The Division shall issue an out of service tag if a commercial device cannot begin~~
240 ~~weighing, measuring, metering, or counting at zero as prescribed in Handbook 44.~~
- 241 ~~9. The Division shall issue a warning tag if the manufacturer's plate on a commercial~~
242 ~~device does not contain the information required by Handbook 44, is missing, or is~~
243 ~~unreadable. The Division shall issue an out of service tag if the person who owns or~~
244 ~~operates a commercial device does not obtain a compliant manufacturer's plate by~~
245 ~~the 30-day deadline imposed on the warning tag.~~

246 ~~10. The Division shall issue a warning tag to a person who did not construct a large-~~
247 ~~scale approach according to Handbook 44. The Division shall issue a stop-sale, stop-~~
248 ~~use tag if the large-scale approach is not made compliant by the deadline imposed on~~
249 ~~the warning tag.~~

250 ~~11. In addition to any enforcement action under subsections (F)(1) through (10):~~

251 ~~a. If the Division finds during an inspection that a commercial device does not~~
252 ~~comply with the requirements of A.R.S. Title 3, Chapter 19, or this Chapter and~~
253 ~~the lack of compliance favors the owner or operator of the commercial device:~~

254 ~~i. The Division may impose a civil penalty up to \$300 on the person who owns~~
255 ~~or operates the commercial device; and~~

256 ~~ii. The Division may impose a civil penalty up to \$500 on the person who owns~~
257 ~~or operates the commercial device for each reinspection until the commercial~~
258 ~~device is in compliance.~~

259 ~~b. If the Division finds during an inspection that a person who weighs a product on~~
260 ~~a commercial device violates Handbook 44 or does not post rates according to~~
261 ~~Handbook 44 or this Chapter:~~

262 ~~i. The Division may issue an administrative order to the person at the~~
263 ~~conclusion of the inspection and impose a civil penalty up to \$300; and~~

264 ~~ii. The Division may issue an administrative order to the person and impose a~~
265 ~~civil penalty up to \$500 at each reinspection until the person complies with~~
266 ~~Handbook 44 and this Chapter.~~

267 ~~G. Public and deputy public weighmaster.~~

268 ~~1. The Division may issue an administrative order if a public weighmaster's:~~

- 269 a. ~~Weigh tickets are not in numbered sequence or are missing,~~
- 270 b. ~~The seal, press, or electronic seal is not readable, or~~
- 271 e. ~~Records are not maintained according to R3-7-505.~~
- 272 2. ~~The Division may issue an administrative order and impose a civil penalty up to~~
- 273 ~~\$500 on a public weighmaster if:~~
- 274 a. ~~The public weighmaster's weigh tickets contain inaccurate information,~~
- 275 b. ~~The public weighmaster violates an administrative order,~~
- 276 e. ~~The public weighmaster misuses a seal or press or has an unauthorized seal or~~
- 277 ~~press; or~~
- 278 d. ~~The public weighmaster misuses an electronic seal or signature.~~
- 279 3. ~~The Division shall confiscate a seal or press if a public weighmaster violates an~~
- 280 ~~administrative order issued to the public weighmaster.~~
- 281 4. ~~The Division shall suspend, revoke, or refuse to renew a license if a public~~
- 282 ~~weighmaster does not comply with an enforcement action under this Section.~~
- 283 5. ~~The Division shall issue an administrative order and a civil penalty up to \$300 to a~~
- 284 ~~person who performs public weighmaster duties without a license.~~
- 285 6. ~~If a public weighmaster permits an unlicensed person to perform deputy public~~
- 286 ~~weighmaster duties, the Division may:~~
- 287 a. ~~Impose a civil penalty up to \$300 on the public weighmaster for the first time the~~
- 288 ~~public weighmaster permits an unlicensed person to perform deputy public~~
- 289 ~~weighmaster duties;~~

- 290 ~~b. Impose a civil penalty up to \$500 on a public weighmaster for the second time~~
291 ~~the public weighmaster permits an unlicensed person to perform deputy public~~
292 ~~weighmaster duties; and~~
- 293 ~~c. Confiscate the public weighmaster's records, equipment, and devices if the public~~
294 ~~weighmaster permits an unlicensed person to perform deputy public weighmaster~~
295 ~~duties more than twice.~~

296 ~~**H. Packaging.**~~

- 297 ~~1. The Division shall issue an administrative order to an owner or an employee of the~~
298 ~~owner where a package inspection is held if a package is not in compliance with a~~
299 ~~requirement in Handbook 130 or Handbook 133. The person to whom the~~
300 ~~administrative order is issued shall correct the package violation by:~~
- 301 ~~a. Returning the package to the packer or manufacturer,~~
302 ~~b. Labeling the package to reflect its correct quantity,~~
303 ~~c. Placing a notice on the package that states the violation, and pricing the package~~
304 ~~to reflect its correct quantity, or~~
305 ~~d. Repackaging the commodity so the package contains the quantity represented.~~
- 306 ~~2. In addition to an administrative order, the Division may impose a civil penalty up to~~
307 ~~\$500 per lot on a person who violates a requirement in Handbook 130 or Handbook~~
308 ~~133.~~

309 ~~**I. Price verification.**~~

- 310 ~~1. The initial inspection of a retail location for price verification is for educational~~
311 ~~purposes and an enforcement action will not be imposed for a violation identified~~
312 ~~during the initial inspection.~~

- 313 ~~2. The Division shall issue a stop sale, stop use tag to a person who fails a price~~
314 ~~verification inspection or reinspection if a pricing violation cannot be corrected~~
315 ~~within 30 minutes of the Division completing the inspection.~~
- 316 ~~a. The Division may impose a civil penalty up to \$100 per violation on a person~~
317 ~~who fails a reinspection if the Division finds more than one item at more than its~~
318 ~~posted price.~~
- 319 ~~b. The Division may impose a civil penalty up to \$200 per violation on a person~~
320 ~~who fails a second reinspection. The Division shall increase the per violation~~
321 ~~civil penalty imposed by \$100 for each subsequent reinspection until the~~
322 ~~violation is corrected.~~
- 323 ~~3. If the Division receives and substantiates a complaint about a person against whom~~
324 ~~the Division took an administrative enforcement action under subsection (I)(2)~~
325 ~~within the 60 days before the date of the complaint, the Division shall issue a stop-~~
326 ~~sale, stop use tag and impose a civil penalty that is \$100 more than the civil penalty~~
327 ~~that the Division previously imposed against this person.~~
- 328 ~~4. The Division may issue a warning tag to a person who does not have a written price-~~
329 ~~error policy. The Division may impose a civil penalty up to \$500 if the person does~~
330 ~~not have a written price error policy upon reinspection.~~
- 331 ~~5. The Division shall issue a warning tag to a person who does not have a price display~~
332 ~~visible to the consumer at a check-out location. The Division shall issue an out-of-~~
333 ~~service tag if the person does not have a price display visible to the consumer at a~~
334 ~~check-out location upon reinspection.~~

335 **J.** ~~Price posting.~~

336 ~~1. The initial inspection of a retail location for price posting is for educational purposes~~
337 ~~and an enforcement action will not be imposed for a violation identified during the~~
338 ~~initial inspection.~~

339 ~~2. The Division shall issue a stop sale, stop use tag to a person who fails a price~~
340 ~~posting inspection if the violation cannot be corrected within 30 minutes of the~~
341 ~~Division completing the inspection.~~

342 ~~3. The Division may impose a civil penalty up to \$50 for each inspected lot not priced~~
343 ~~if a person fails a reinspection with a score of less than 96 percent.~~

344 ~~4. The Division may impose a civil penalty up to \$100 for each inspected lot not priced~~
345 ~~if a person fails a second reinspection.~~

346 ~~5. If the Division receives and substantiates a complaint about a person against whom~~
347 ~~the Division took an administrative enforcement action under subsection (J)(2)~~
348 ~~within the 60 days before the date of the complaint, the Division shall issue a stop-~~
349 ~~sale, stop use tag and impose a civil penalty that is \$100 more than the civil penalty~~
350 ~~that the Division previously imposed against this person.~~

351 ~~**K. Fuel quality and labeling.**~~

352 ~~1. The Division shall issue a warning tag to a person whose fuel dispenser labeling~~
353 ~~violates A.R.S. Title 3, Chapter 19, or this Chapter. The Division shall issue an out-~~
354 ~~of-service tag to the person if the person does not correct the fuel dispenser labeling~~
355 ~~violation within the time specified on the warning tag.~~

356 ~~2. The Division may issue an administrative order to a person whose fuel storage tank~~
357 ~~labeling or external street signage violates A.R.S. Title 3, Chapter 19, or this~~
358 ~~Chapter. The Division may impose a civil penalty up to \$300 if the person does not~~

359 ~~correct the labeling or signage violation within the time specified in the~~
360 ~~administrative order.~~

361 ~~3. The Division may issue an administrative order to, and impose a civil penalty up to~~
362 ~~\$500 per octane level or fuel grade to a person who violates a fuel quality~~
363 ~~requirement under A.R.S. Title 41, Chapter 15, or this Chapter. The person shall~~
364 ~~correct the violation by:~~

365 ~~a. Removing non-compliant motor fuel from the storage tank and replacing it with~~
366 ~~compliant motor fuel,~~

367 ~~b. Selling the motor fuel at the correct octane level,~~

368 ~~c. Adding sufficient compliant motor fuel to the storage tank to bring the motor~~
369 ~~fuel in the storage tank into compliance,~~

370 ~~d. Removing all water from the storage tank or emptying the tank per R3-7-711 or~~
371 ~~R3-7-712, or~~

372 ~~e. Removing the non-compliant motor fuel to another area within the state if the~~
373 ~~motor fuel complies with specifications of that area.~~

374 ~~4. The Division may issue an administrative order to a person who does not provide~~
375 ~~requested product transfer documentation within 24 hours of the Division's request.~~
376 ~~The Division may impose a civil penalty up to \$300 on a person who provides the~~
377 ~~requested documentation between 24 and 72 hours. The Division may impose a civil~~
378 ~~penalty up to \$500 on a person who does not provide the requested documentation~~
379 ~~within 72 hours.~~

380 ~~L. Vapor recovery.~~

- 381 ~~1. The Division may issue an administrative order to stop construction at a vapor~~
382 ~~recovery site and impose a civil penalty up to \$500 on a person who:~~
- 383 ~~a. Begins construction or makes a major modification without an authority to~~
384 ~~construct plan approval,~~
- 385 ~~b. Does not comply with the authority to construct plan approval, or~~
- 386 ~~c. Does not obtain an approved change order for construction or major modification~~
387 ~~of the vapor recovery site unless:~~
- 388 ~~i. The vapor recovery system and its components comply with A.R.S. Title 3,~~
389 ~~Chapter 19, and this Chapter; and~~
- 390 ~~ii. The vapor recovery system passes the required vapor recovery tests~~
391 ~~according to A.R.S. Title 3, Chapter 19, and this Chapter.~~
- 392 ~~2. The Division may issue an administrative order requiring a person to excavate a~~
393 ~~vapor recovery site if the person covers a vapor recovery component before a~~
394 ~~Division pre-burial inspection and may impose a civil penalty up to \$500 if the~~
395 ~~excavated system does not pass required vapor recovery tests according to A.R.S.~~
396 ~~Title 3, Chapter 19, and this Chapter.~~
- 397 ~~3. The Division shall issue an administrative order if a person fails to ensure that a~~
398 ~~vapor recovery site passes an initial test within 90 days of being opened or passes an~~
399 ~~annual test within the designated test month. The Division shall issue a stop-sale,~~
400 ~~stop-use tag if the person does not comply with the administrative order.~~
- 401 ~~4. The Division may impose a civil penalty up to \$100 on a person who does not have~~
402 ~~an authority to construct plan approval available for inspection at the construction~~
403 ~~site during normal business hours.~~

404 ~~5. The Division may issue a warning tag to a person whose vapor recovery system~~
405 ~~labeling does not comply with R3-7-713. The Division may issue a stop-sale, stop-~~
406 ~~use tag and impose a civil penalty up to \$500 on a person who does not correct a~~
407 ~~labeling violation within the time specified on a warning tag.~~

408 ~~6. The Division shall issue a stop-sale, stop-use tag to a person whose vapor recovery~~
409 ~~system fails a test under R3-7-905, R3-7-910, R3-7-1005, or R3-7-1010. If the test~~
410 ~~failure is isolated to a system component, the Division's stop-sale, stop-use tag shall~~
411 ~~pertain to that component so the rest of the system may operate.~~

412 ~~M. The Division may impose a civil penalty up to \$500 and issue another stop-sale, stop-~~
413 ~~use tag to a person who violates a stop-sale, stop-use tag. The Division may impose a~~
414 ~~civil penalty up to \$500 and revoke, suspend, or refuse to renew a commercial device~~
415 ~~license if a person removes a stop-sale, stop-use tag without approval.~~

416 ~~N. Registered service agency and registered service representative.~~

417 ~~1. If a registered service agency submits to the Division an inaccurate or incomplete~~
418 ~~placed-in-service or test report, the Division may impose a civil penalty up to \$50 on~~
419 ~~the agency each time the agency resubmits a placed-in-service or test report without~~
420 ~~making all needed corrections.~~

421 ~~2. The Division may impose a civil penalty up to \$300 on a registered service~~
422 ~~representative who incorrectly:~~

423 ~~a. Installs a commercial device,~~

424 ~~b. Repairs a commercial device,~~

425 ~~e. Tests a vapor recovery system, or~~

426 ~~d. Repairs a vapor recovery system.~~

- 427 ~~3. If an unlicensed person represents itself as a registered service agency, the Division~~
428 ~~may:~~
- 429 ~~a. Issue an administrative order,~~
430 ~~b. Impose a civil penalty up to \$500 and confiscate the unlicensed person's~~
431 ~~calibration standards if the unlicensed person violates the administrative order,~~
432 ~~and~~
433 ~~c. Deny a registered service agency license to the unlicensed person if the~~
434 ~~unlicensed person fails to comply with the enforcement action under this~~
435 ~~subsection.~~
- 436 ~~4. The Division may issue an administrative order to an unlicensed person who~~
437 ~~performs the duties of a registered service representative. The Division may impose~~
438 ~~a civil penalty up to \$300 on the registered service agency for which the unlicensed~~
439 ~~individual works.~~
- 440 ~~5. The Division may issue an administrative order if a registered service representative~~
441 ~~places a commercial device into service without Division authorization. The~~
442 ~~Division may impose a civil penalty up to \$500 on the registered service agency~~
443 ~~whose representative places a commercial device into service without Division~~
444 ~~authorization.~~
- 445 ~~6. The Division may impose a civil penalty up to \$500 on a registered service agency~~
446 ~~whose registered service representative uses a metrology standard or vapor recovery~~
447 ~~testing equipment that is not certified according to this Chapter and, as applicable,~~
448 ~~CARB test methods. The Division may confiscate a metrology standard or vapor~~
449 ~~recovery testing equipment if a registered service representative uses the uncertified~~

450 standard or equipment after the registered service agency is penalized. The Division
451 shall return the standard or equipment when it is properly certified.

452 ~~7. The Division shall issue an administrative order to a vapor recovery registered~~
453 ~~service agency or person who owns a vapor recovery system that does not, according~~
454 ~~to A.R.S. Title 3, Chapter 19, and this Chapter:~~

455 ~~a. Notify the Division of a test date and time,~~

456 ~~b. Begin a test at the approved time,~~

457 ~~c. Appear for a witnessed test,~~

458 ~~d. Close a vapor recovery system for repairs if the system fails, or~~

459 ~~e. Perform a test.~~

460 ~~8. The Division may impose a civil penalty up to \$300 on a vapor RSA that violates~~
461 ~~subsections (M)(7)(a), (b), (d), or (e). The Division may impose a civil penalty up to~~
462 ~~\$300 on a vapor recovery registered service agency that violates subsection~~
463 ~~(M)(7)(e) twice in 12 months.~~

464 ~~9. If a registered service agency's registered service representative does not attach a~~
465 ~~non-tampering seal on a commercial device that is equipped for a seal, the Division~~
466 ~~may:~~

467 ~~a. Impose a civil penalty up to \$300 on the registered service agency for the first~~
468 ~~violation, and~~

469 ~~b. Impose a civil penalty up to \$500 on the registered service agency for each~~
470 ~~subsequent violation by the registered service representative.~~

- 471 ~~10. If a vapor recovery registered service representative determines that a vapor recovery~~
472 ~~system or component is not in compliance with A.R.S. Title 3, Chapter 19, or this~~
473 ~~Chapter, the vapor recovery registered service representative shall:~~
- 474 ~~a. Secure the non-compliant vapor recovery system or component from use before~~
475 ~~the registered service representative leaves the vapor recovery site or until the~~
476 ~~system or component passes the tests required by R3-7-910;~~
 - 477 ~~b. Notify the Division of the secured, non-compliant vapor recovery system or~~
478 ~~component before leaving the vapor recovery site; and~~
 - 479 ~~c. Notify the Division of the time of the test required by R3-7-910 or R3-7-1010~~
480 ~~by 6:00 a.m. of the day after the non-compliant vapor recovery system or~~
481 ~~component is secured or one hour before the test, whichever is sooner.~~
- 482 ~~11. If a recovery registered service representative fails to comply with R3-7-602(B)(2)~~
483 ~~the Division may:~~
- 484 ~~a. Impose a civil penalty up to \$300 on the registered service representative;~~
 - 485 ~~b. Issue an administrative order, if the registered service representative is penalized~~
486 ~~under this subsection three times in 12 months, requiring the registered service~~
487 ~~representative to take and pass the licensing competency examination; and~~
 - 488 ~~c. Suspend or revoke the license of the registered service agency employing the~~
489 ~~registered service representative if the registered service representative does not~~
490 ~~comply with an order issued under subsection (M)(11)(b).~~
- 491 ~~12. If a registered service representative fails to notify the Division of a non-compliant~~
492 ~~commercial device under R3-7-602(B)(1)(f), the Division may impose a civil~~
493 ~~penalty up to \$300.~~

494 **R3-7-105. Repealed**

495 **R3-7-106. Repealed**

496 **R3-7-107. Repealed**

497 **R3-7-108. Time-frames for Licenses, Renewals, and Authorities to Construct**

498 **A.** For each type of license, renewal, or authority issued by the Division, the overall time-
499 frame described in A.R.S. § 41-1072(2) is set forth in Table 1.

500 **B.** For each type of license, renewal, or authority issued by the Division, the administrative
501 completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1
502 and begins on the date the Division receives an application.

503 1. If the application is not administratively complete, the Division shall send a
504 deficiency notice to the applicant.

505 a. The deficiency notice shall state each deficiency and the information needed to
506 complete the application.

507 b. Within the ~~time~~time-frame provided in Table 1 for response to the deficiency
508 notice, the applicant shall submit to the Division the missing information
509 specified in the deficiency notice. The time-frame for the Division to finish the
510 administrative completeness review is suspended from the date the Division
511 mails or e-mails the deficiency notice to the applicant until the date the Division
512 receives the missing information.

513 c. If the applicant does not submit the missing information within the ~~time~~time-
514 frame to respond to the deficiency notice set forth in Table 1, the Division shall
515 send a written notice to the applicant informing the applicant that the application

516 is deemed withdrawn. An applicant who desires to reapply shall begin the
517 application process anew.

518 2. If the application is administratively complete, the Division shall send a written
519 notice of administrative completeness to the applicant. If the Division, within 10
520 days of submittal, fails to send a written notice of administrative completeness or
521 deficiency notice outlined in subsection (B)(1), the application shall automatically be
522 deemed administratively complete.

523 C. For each type of license, renewal, or authority issued by the Division, the substantive
524 review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on
525 the date the Division sends written notice of administrative completeness to the
526 applicant.

527 1. During the substantive review time-frame, the Division may make one
528 comprehensive written request for additional information. The applicant shall submit
529 the additional information within the ~~time-time-frame~~ provided in Table 1 for
530 response to a comprehensive written request for additional information. The time-
531 frame for the Division to finish the substantive review is suspended from the date the
532 Division mails or e-mails the request until the Division receives the information.

533 2. If the applicant does not submit the requested additional information within the time-
534 frame provided in Table 1, the Division shall issue a written notice informing the
535 applicant that the application is deemed withdrawn. ~~The applicant may request in~~
536 ~~writing that the Division deny the application within 15 days of the date of the notice~~
537 ~~of withdrawal.~~ An applicant who desires to reapply shall begin the application
538 process anew.

539 3. The Division shall issue a written notice of denial of license, renewal, or authority if
540 the Division determines that the applicant does not meet all of the substantive
541 criteria required by A.R.S. Title 3, Chapter 19, and this Chapter for a license,
542 renewal, or authority. The notice of denial shall include:

543 a. Reasons for the denial, with citations to the statutes or rules on which the denial
544 is based; and

545 b. The name and telephone number of a Division employee who can answer
546 questions regarding the application process.

547 4. If the applicant meets all of the substantive criteria required by A.R.S. Title 3,
548 Chapter 19, and this Chapter for a license, renewal, or authority the Division shall
549 issue the license, renewal, or authority to the applicant.

550 **D.** The ~~time period~~ time-frame for an applicant to respond to a deficiency notice or request
551 for additional information shall commence on the date of personal service or the
552 postmark date.

553 **E.** In computing any ~~time period~~ time-frame prescribed in this Section, the day of the act,
554 event, or default shall not be included. The last day of the period shall be included unless
555 it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of
556 the next day that is not a Saturday, Sunday, or state holiday. The computation shall
557 include intermediate Saturdays, Sundays and holidays.

558 **F.** An applicant whose license, renewal, or authority is denied has a right to a hearing, an
559 opportunity for rehearing, and if the denial is upheld, judicial review pursuant to A.R.S.
560 Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.

561 **R3-7-109. Administrative Hearing Procedures**

562 A person who is adversely affected by an action made by the Division may request a hearing
563 to dispute inspection results, a violation, or enforcement action under A.R.S. Title 41,
564 Chapter 6, ~~Articles Article 6 and 10~~ apply to the Division's hearings.

565 **R3-7-110. Motion for Rehearing or Review**

566 **A.** Except as provided in subsection ~~(G)~~ **(I)**, any party in a contested case or appealable
567 agency action before the Division who is aggrieved by a decision rendered in the case
568 may file with the Division, not later than 10 days after service of the decision, a written
569 motion for rehearing or review of the decision, pursuant to A.R.S. Title 41, Chapter 6,
570 Article 10, specifying the particular grounds for the motion. For purposes of this
571 subsection, a decision shall be deemed to have been served when personally delivered or
572 mailed by certified mail to the party at the party's last known residence or place of
573 business; or by electronic mail if the party has agreed to receive electronic notifications.

574 **B.** A motion for rehearing or review may be amended at any time before it is ruled upon by
575 the Division. A party shall provide a copy of any pleading on all opposing parties or
576 parties who may be directly affected by the issues presented, and the pleading shall
577 contain a certification of delivery to listed recipients. A response may be filed within 15
578 days after service of the motion or amended motion by any other party. The Division
579 may require the filing of written briefs upon the issues raised in the motion and may
580 provide for oral argument.

581 **C.** A rehearing or review of the decision may only be granted for any of the following
582 reasons materially affecting the moving party's rights ~~or ability to receive a fair hearing:~~
583 1. Any irregularity in the hearing, order, or abuse of discretion ~~by the administrative~~
584 law judge or the Division depriving the moving party of a fair hearing;

- 585 2. Misconduct of the Division, the administrative law judge, or the prevailing party;:
- 586 3. Accident or surprise that could not have been prevented by ordinary prudence;:
- 587 4. Newly discovered material evidence that could not have been discovered with
- 588 reasonable diligence and produced at the original hearing;:
- 589 5. Excessive or insufficient penalties;:
- 590 6. Error in the admission or rejection of evidence or other errors of law occurring at the
- 591 hearing or during the progress of the proceedings;: or
- 592 7. That the decision is not justified by the evidence or is contrary to law.

593 **D.** If a rehearing is granted, the Division may hear the case or may refer the case to the

594 Office of Administrative Hearings. The decision of the administrative law judge

595 becomes the decision of the Division unless rejected or modified by the Division in

596 accordance with A.R.S. Title 41, Chapter 6, Article 10. A decision of the Division at this

597 level of review is a final decision.

598 **E.** Except for a decision under subsection (I), a rehearing or review of the final Division

599 decision shall be requested in order for the aggrieved party to have the right to appeal

600 under A.R.S. Title 12, Chapter 7, Article 6.

601 **D.F.** The Division may affirm or modify its decision, or grant a rehearing or review. After

602 giving the parties or their counsel notice and an opportunity to be heard, the Division

603 may grant a rehearing or review for a reason not stated in a party's motion. An order

604 granting a rehearing or review shall specify the grounds on which the rehearing or

605 review is granted. The rehearing or review shall cover only those matters so specified.

606 **E.G.** The Division, on its own initiative, within the ~~time~~ time-frame for filing a motion for

607 rehearing or review under this rule, may order a rehearing or review for any of the

608 reasons set forth in subsection (C), after giving the parties notice and an opportunity to
609 be heard.

610 **F.H.** When a motion for rehearing or review is based upon affidavits, the moving party
611 shall serve the affidavits with the motion. An opposing party has 15 days from the date
612 of service to serve opposing affidavits. The Division may extend the period to respond
613 up to 20 days for good cause, or by written stipulation of the parties. If the Division
614 permits reply affidavits, the replying party has five days in which to serve them.

615 **G.I.** If the Division makes specific findings that the immediate effectiveness of a decision
616 is necessary for the immediate preservation of the public peace, health, and safety and
617 that a rehearing or review of the decision is impracticable, unnecessary, or contrary to
618 the public interest, the Division may issue the decision as a final decision without an
619 opportunity for a rehearing or review. If a decision is issued as a final decision without
620 an opportunity for rehearing or review, any application for judicial review of the
621 decision shall be made within the time limits permitted for applications for judicial
622 review of the Division's final decision.

623 **R3-7-111. Repealed**

624 **R3-7-112. Repealed**

625 **R3-7-113. Renumbered**

626 **R3-7-114. Repealed**

627 **R3-7-115. Renumbered**

628 **R3-7-116. Renumbered**

629 **R3-7-117. Renumbered**

630 **Table 1. Time-frames (calendar days)**

Type of License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to <u>Request for Additional Information</u>	Overall Time-frame
Commercial Device	R3-7-201	14	28	30	30	44
Public Weighmaster	R3-7-501	14	28	30	30	44
Registered Service Agency/Representative	R3-7-601	14	28	30	30	44
Authority to Construct	R3-7-904 R3-7-1004	14	28	30	30	44

631
632

ARTICLE 2. COMMERCIAL DEVICES

633 **R3-7-201. Licensing Process**

634 **A.** Before using a commercial device, a person or a contracted registered service
635 representative shall apply for a ~~license for the commercial device~~ license. The commercial
636 device may be used without a license for up to 30 days after an application is filed with the
637 Division. The application shall be on a form supplied by the Division that includes:

- 638 1. The applicant's name, address, and telephone number;
- 639 2. The name, address, and telephone number of the location where the commercial
640 device will be operated;
- 641 3. A description of the commercial device;
- 642 4. The applicant's signature; and
- 643 5. ~~An~~ The e-mail address of the commercial device owner or operator for the owner or
644 ~~operator~~ for the Division to provide licenses, invoices, inspections and reports,
645 enforcement action, and other notifications.

646 **B. A licensee shall notify the Division of a change in business name or address within**
647 **30 days of the change. The Division does not charge a fee to process a change in**
648 **business name or address.**

649 **C. Change of business ownership requires application for a new license.**

650 **R3-7-202. Repealed**

651 **R3-7-203. Approval, Installation, Use, and Sale of Devices**

652 **A.** A commercial device installed or placed in use after January 1, 1975, shall have an
653 NCWM National Type Evaluation Program (NTEP) Certificate of Conformance or have
654 a ~~certificate of approval from the California Type Evaluation Program (CTEP)~~
655 Certificate of Approval. ~~NTEP Certificate of Conformance issuance may be verified at~~
656 ~~the NCWM website: http://www.ncwm.net/ntep/cert_search.~~

657 1. If a commercial device has been continuously licensed, or evidence shows it has
658 been in use by the owner in Arizona since January 1, 1975, the commercial device is
659 exempt from ~~NCWM or California Type Evaluation Program prototype NTEP or~~
660 CTEP approval requirements.

661 2. If a commercial device exempt under subsection (A)(1) fails the specifications,
662 tolerances, or other technical requirements of Handbook 44 during a Division
663 inspection, the Division shall issue ~~an out of service a~~ Stop-Sale, Stop-Use tag or
664 ~~confiscate/seize~~ the device per ~~R3-7-104(F)(3)~~ R3-7-104(A) and revoke the
665 commercial device license under A.R.S. § 3-3472. A person shall no longer use the
666 device commercially.

667 **B.** ~~The seller of a commercial device that is remanufactured for the purpose of commercial~~
668 ~~sale shall mark the commercial device as remanufactured.~~ A person shall not use a

669 commercial device that has an Out-of-Service or Stop-Sale, Stop-Use tag until the
670 person repairs the commercial device as ordered by the Division, the commercial device
671 meets the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, and this Chapter,
672 and approval is obtained from the Division to resume use of the device. If a person sells
673 a commercial device that has an Out-of-Service or Stop-Sale, Stop-Use tag, the seller
674 shall not remove the tag and must disclose to the buyer that the commercial device is not
675 in compliance.

676 ~~**R3-7-204. Livestock and Vehicle Scale Installation**~~

677 **R3-7-204. Repealed**

678 ~~**A.** Portable livestock and portable vehicle scales shall be designed to be moveable from one~~
679 ~~location to another.~~

680 ~~**B.** Portable scales and low-profile electronic scales shall be accessible for maintenance.~~

681 ~~**C.** Notwithstanding Handbook 44, vehicle and livestock scales installed above ground shall~~
682 ~~have 2 feet minimum clearance from the bottom of the lowest platform support girder to~~
683 ~~the ground.~~

684 ~~**D.** Notwithstanding Handbook 44, vehicle and livestock scales, installed with a pit, shall~~
685 ~~have 2 feet minimum clearance from the bottom of the main girder that is lowest in~~
686 ~~platform support to the pit floor.~~

687 **ARTICLE 3. PACKAGING, LABELING, AND METHOD OF SALE**

688 **R3-7-301. Repealed**

689 **R3-7-302. Handbook 130 and Handbook 133 Packaging, Labeling, and Method of Sale**

690 **A.** A person shall comply with all packaging, labeling, and method of sale requirements in
691 Handbook 130, except as otherwise stated in this Chapter. A person shall ensure that

692 packaged commodities kept, offered, exposed for sale, sold, or in the process of delivery
693 are weighed, measured, and inspected using sampling and testing procedures designated
694 in Handbook 133, except as otherwise stated in this Chapter.

695 **B.** A retail seller shall ensure that a package that is offered for sale in a ~~variable~~random
696 weight, measurement, or count, and that is weighed, measured, or counted at the time of
697 sale, includes a label on the package identifying the net weight, measurement, or count,
698 item description, and packer's name if the packer is not the retailer. Pre-packaged
699 produce does not require a label on each package if the retailer:

- 700 1. Clearly labels the price-per-pound where the packaged produce is displayed, and
- 701 2. Deducts a tare for the packaging from the gross weight at the time of sale.

702 **C.** ~~A retail seller shall price a commodity at the date and time that it is ordered by a~~
703 ~~customer. If the Division issues an administrative order to a person at location where a~~
704 ~~package inspection is held, for a package that is not in compliance with a requirement in~~
705 ~~Handbook 130 or Handbook 133, the person to whom the administrative order is issued~~
706 ~~shall correct the package violation by:~~

- 707 1. Removing the package from sale;
- 708 2. Labeling the package to reflect its correct net quantity;
- 709 3. Placing a notice on the package that corrects the package violation, and pricing the
710 package to reflect its correct net quantity; or
- 711 4. Repackaging the commodity so the package contains the net quantity represented.

712 ~~**D.** A retail seller who offers, exposes, or advertises a commodity for sale or rent shall post a~~
713 ~~definite, plain, and conspicuous price on the commodity or adjacent to where the~~
714 ~~commodity is displayed. If the price of the commodity is by weight, measure, or count,~~

715 ~~the retailer shall place the price per weight, measure, or count on the commodity or~~
716 ~~adjacent to where the commodity is displayed. If a retailer offers a commodity for sale~~
717 ~~or rent at a price reduced by a percentage or a fixed amount from a previously offered~~
718 ~~price, the retailer shall place the reduction or reduced price on the commodity or~~
719 ~~adjacent to where the commodity is displayed.~~

720 ~~E. A person who owns or operates a plant nursery shall label each commodity with its~~
721 ~~identity and price, or post a sign with this information adjacent to the point of display.~~

722 ~~F. A retail seller shall ensure that the price of each item purchased is displayed visibly to~~
723 ~~the public at each check-out location.~~

724 ~~G. Items in or behind a service counter that can be sold only with the assistance of a sales~~
725 ~~associate are not required to have a price displayed. If a price is displayed, it must meet~~
726 ~~the requirements of this Chapter.~~

727 **R3-7-303. Repealed**

728 **R3-7-304. Repealed**

729 **R3-7-305. Repealed**

730 **R3-7-306. Repealed**

731 **R3-7-307. Repealed**

732 **R3-7-308. Repealed**

733 **R3-7-309. Repealed**

734 **R3-7-310. Repealed**

735 **R3-7-311. Repealed**

736 **R3-7-312. Repealed**

737 **R3-7-313. Repealed**

738

ARTICLE 4. PRICE VERIFICATION AND PRICE POSTING

739

R3-7-401. Repealed

740

~~R3-7-402. Price-posting Inspection Procedure and Violation Exceptions~~ Retail Price

741

Requirements; Initial Inspections; Violations and Exceptions

742

~~A. The Division shall choose one item that was used and up to four adjacent items that were~~

743

~~not used for a price-verification inspection, as the samples for a price-posting inspection.~~

744

Retail price requirements. In addition to the requirements in A.R.S. § 3-3431, a person

745

who offers, exposes, or advertises a commodity for sale or rent shall:

746

1. Price a commodity at the date and time that it is ordered by a customer;

747

2. Post a definite, plain, and conspicuous price on the commodity or adjacent to where

748

the commodity is displayed;

749

3. If the price of the commodity is by weight, measure, or count, place the price per

750

weight, measure, or count on the commodity or adjacent to where the commodity is

751

displayed;

752

4. If a price is reduced by a percentage or a fixed amount from a previously offered

753

price, place the reduction or reduced price on the commodity or adjacent to where

754

the commodity is displayed;

755

5. Label each commodity offered for sale within a plant nursery with its identity and

756

price, or post a sign with this information adjacent to the point of display; and

757

6. Ensure that the price of each item purchased is displayed visibly to the public at each

758

check-out location.

759

~~B. If the Division finds an alleged price-posting violation involving an item used during its~~

760

~~price-verification inspection, the Division shall record the price-posting violation on the~~

761 ~~inspection report.~~ Initial retail price inspections and reinspections. The initial retail price
762 inspection of a location is for educational purposes and administrative enforcement
763 action will not be imposed for a violation identified during an initial inspection. An
764 initial inspection is the first retail price inspection conducted at a location when no prior
765 retail price inspections have occurred at that location under the current ownership.

766 C. ~~The following are price posting violations:~~

767 1. ~~No price is posted or displayed for an inspected item unless it is not required under~~
768 ~~subsection (D)(12);~~

769 2. ~~Less than 98 percent of the prices of inspected items are posted accurately; or~~

770 3. ~~A percentage off is provided, but there is no price displayed for the item on, in, or~~
771 ~~behind a service counter.~~ Price verification.

772 1. Violations. Items sampled for price verification that scan at a price higher than the
773 marked or posted price are considered overcharges. An inspected location shall be
774 found in violation if more than one overcharge is recorded in a price verification
775 sample.

776 2. Violation exceptions. Items sampled for price verification that scan at a price lower
777 than the marked or posted price are considered undercharges, and are not a violation.

778 D. ~~The following are not price posting violations:~~ Price posting.

779 1. Violations. The following are price posting violations:

780 a. No price is posted or displayed for an inspected item;

781 b. Less than 98 percent of the items sampled for price posting during a retail price
782 inspection have a marked or posted price; or

783 c. A percentage or quantity discount is provided, but there is no price displayed for
784 the item on which the consumer may calculate or compare the discounted price
785 to the regular price.

786 2. Violation exceptions. The following are not price posting violations:

787 ~~1.a. A price is posted on a shelf where an item is displayed rather than marked on the~~
788 ~~item individually;~~ A price is posted or displayed as allowed in A.R.S. § 3-
789 3431(L) and (N);

790 2.b. A price is posted on the shelf or on a hook in front of or behind a row of
791 items at the farthest left side of all items with the same price for up to 3 feet of
792 shelf space, or at the farthest left and farthest right side of the shelf or hooks ~~with~~
793 ~~the same priced displaying items of the same price.~~ For items of the same price,
794 the ~~uniform price codes~~ Universal Product Code (“UPC”) may differ for the
795 commodities with prices labeled in this manner, as long as the price posted is a
796 generic price and does not refer to a specific product;

797 ~~3.c.~~ A price is posted in a location clearly visible to the consumer on a vertical
798 display ~~in a location clearly visible to the consumer for containing~~ items of the
799 same price;

800 4.d. ~~Self-contained~~ A price is posted on the inside or outside of the door of a self-
801 contained refrigerated coolers may have prices posted on the inside or outside of
802 the refrigerator doors located on cooler on or in front the left, right, or center of
803 the shelving units in a location clearly visible to the consumer.;

- 804 ~~5.c.~~ A storage area that is posted as a storage area for which a customer should ask
805 ~~for assistance.~~ Items contained in a clearly marked storage or restocking area
806 where a customer must ask for employee assistance to obtain an item;
- 807 ~~6.~~ A restocking area that is posted as a restocking area for which a customer should ask
808 ~~for assistance;~~
- 809 ~~7.f.~~ A price is posted on a hook in front of or behind a row of items but the price is
810 clearly visible or a notice is clearly visible stating that the price is posted behind
811 the row of items;
- 812 ~~8.g.~~ An item is located in an advertising display without a posted price but a
813 notice is posted informing a customer to ask an employee for price information
814 ~~assistance about~~ regarding an item contained in the display;
- 815 ~~9.h.~~ A menu-type sign at a point of display that lists the name and price of every
816 item at the point of display in legible text. A menu-type sign may also be used to
817 display single-item purchase prices in areas where space is limited, or used to
818 display a price for purchase of multiple items and single-item purchase prices at
819 the point of display as long as it is ~~located~~ posted at, above, or ~~near~~ adjacent to
820 the point of display;
- 821 ~~10.i.~~ A point of display contains more than one item posted with the
822 manufacturer's name or logo and the price and name of each item ~~in~~ contained
823 within the point of display is posted at, above, or adjacent to the point of display;
- 824 ~~11.j.~~ A price is posted only at each entrance to a store ~~but that~~ and the posted price
825 is the price of each item ~~in~~ displayed for sale within the store, or a price is posted

826 at each entrance to a department within a store ~~but that~~ and the posted price is the
827 price of each item ~~in~~ displayed for sale within the department;

828 ~~12.k.~~ A notice states that there is an additional charge based on an item's size ~~and~~
829 ~~each size~~ and the additional charge for each size is posted at, above, or adjacent
830 to the point of display; and

831 ~~13.l.~~ An item that does not have a price ~~and is located in or behind a service~~
832 ~~counter and available only with the assistance of a sales associate~~ posted or
833 displayed as allowed in A.R.S. § 3-3431(M). If a price is displayed, it must meet
834 the requirements of this Chapter.

835 **R3-7-403. Repealed**

836 **R3-7-404. Repealed**

837 **R3-7-405. Repealed**

838 **R3-7-406. Repealed**

839 **R3-7-407. Repealed**

840 **R3-7-408. Repealed**

841 **R3-7-409. Repealed**

842 **R3-7-410. Repealed**

843 **R3-7-411. Repealed**

844 **R3-7-412. Repealed**

845 **ARTICLE 5. PUBLIC WEIGHMASTERS**

846 **R3-7-501. Qualifications; License and Renewal Application Process**

847 **A.** In addition to the requirements of A.R.S. § 3-3453, to be a public weighmaster or a
848 deputy public weighmaster, a person shall:

- 849 1. Be at least 18 years old,
- 850 2. Be able to operate a scale accurately, and
- 851 3. Be able to execute weight certificates properly.
- 852 **B.** A person shall not perform the duties of a public weighmaster until the person passes the
- 853 written public weighmaster examination administered by the Division with a minimum
- 854 score of 75 percent. A person may not take the examination more than three times in six
- 855 months and must wait ~~7~~seven days before retaking the exam.
- 856 **C.** A person that meets the qualifications for public weighmaster or deputy public
- 857 weighmaster may apply for a license on a form supplied by the Division. A separate
- 858 application shall be submitted for each location where the public weighmaster or deputy
- 859 public weighmaster will issue weight ~~tickets~~certificates.
- 860 1. The application form includes:
- 861 a. The applicant's name, address, ~~and telephone number,~~ and e-mail address;
- 862 b. A statement by the applicant that the applicant knows and understands public
- 863 weighmaster laws and rules;
- 864 c. The name, address, and telephone number of each of the applicant's public
- 865 weighmaster locations; and
- 866 d. The applicant's signature.
- 867 2. The public weighmaster's application form also includes:
- 868 a. The name of each deputy public weighmaster operating at each location;
- 869 b. A statement that the public weighmaster understands they are responsible to
- 870 ensure that any deputy public weighmasters working at the location are
- 871 adequately trained and licensed;

- 872 c. The name and address of the scale; and
- 873 d. The scale description.
- 874 3. The deputy public weighmaster application shall include a certification that they
- 875 understand the requirements on a form provided by the Division and be signed by
- 876 both the public weighmaster and the applicant.
- 877 4. An applicant may be required to submit evidence of qualifications.
- 878 5. The public weighmaster shall ensure all deputy public weighmasters are licensed for
- 879 the location prior to their issuance of weight tickets certificates.
- 880 6. An applicant shall submit information and documentation concerning lawful
- 881 presence required by A.R.S. § 41-1080.
- 882 **D.** Before the Division issues or renews a public weighmaster or deputy public
- 883 weighmaster license, the applicant shall pay the required fees and provide information
- 884 required in A.R.S. Title 3, Chapter 19, and this Chapter.
- 885 **E.** A public weighmaster licensee shall notify the Division of a change in business name or
- 886 address within 30 days of the change. The Division does not charge a fee to process a
- 887 change in name or address.
- 888 **F.** Change of business ownership requires application for a new license.
- 889 **F.G.** In the event a public weighmaster leaves employment, a licensed deputy public
- 890 weighmaster may utilize a public weighmaster stamp which contains only the location
- 891 identity as issued under R3-7-506(B) for 30 days at a location while a public
- 892 weighmaster license application is underway. A public weighmaster stamp containing
- 893 the public weighmaster's name may not be continued to be used following a public
- 894 weighmaster's departure.

895 **R3-7-502. Duties**

896 A public weighmaster shall:

- 897 1. Be responsible for the daily operation and maintenance of the licensed scale used
898 when performing public weighmaster duties;
- 899 2. Use scales according to applicable laws and rules;
- 900 3. Be responsible for all acts performed by any deputy public weighmaster designated
901 by the public weighmaster; and
- 902 4. Ensure that deputy public weighmasters are licensed prior to their issuance of a
903 ~~weight ticket~~certificate and cancel deputy public weighmasters licenses within 10
904 days of their leaving employment to ensure each location has the correct number of
905 licensed deputy public weighmasters. A deputy public weighmaster license may be
906 canceled by sending an e-mail or other written notification to the Division.

907 **R3-7-503. Grounds for Denying License or Renewal; and Disciplinary Action**

908 **A.** The Division may deny a public or deputy public weighmaster license for any of the
909 following reasons:

- 910 1. Providing false or misleading information;
- 911 2. Failing to meet the requirements stated in this Article; or
- 912 3. Any of the reasons stated in subsections (B)(1) through (9).

913 **B.** The Division may impose disciplinary action against, or refuse to renew a public
914 weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the
915 Division has determined that the public weighmaster:

- 916 1. Does not have the ability to ~~weigh accurately~~conduct an accurate weighing for
917 producing weight certificates;

- 918 2. Has ~~not correctly made~~ produced an incorrect, inaccurate, or falsified weight
919 certificates certificate;
- 920 3. Has been found to have violated any provision of A.R.S. Title 3, Chapter 19, or this
921 Chapter;
- 922 ~~4. Has falsified a weight certificate;~~
- 923 5.4. Has delegated authority to someone other than a licensed public weighmaster or
924 deputy public weighmaster;
- 925 ~~6.5.~~ Has improperly used a public weighmaster's seal of authority Seal of Authority;
- 926 ~~7.6.~~ Has ~~presigned~~ pre-signed certificates for later use;
- 927 ~~8.7.~~ Has issued a weight certificate on which changes or alterations were made; or
- 928 ~~9.8.~~ Has used a scale for public weighing that is not properly licensed.

929 **R3-7-504. Scales and Vehicle Weighing**

- 930 **A.** When making a weight determination, a public weighmaster shall use a ~~weighing device~~
931 scale that is suitable for the function.
- 932 **B.** The public weighmaster shall not use a scale to weigh a load that exceeds the normal or
933 rated capacity of the scale.
- 934 **C.** The owner or user of a ~~weighing device~~ scale is responsible for the accuracy of the
935 ~~device~~ scale used by a public weighmaster. The owner or user shall comply with
936 Handbook 44.
- 937 **D.** If a scale is equipped with a printing device, it shall be used for all relevant entries on
938 the weight certificate.
- 939 **E.** The Division shall separately license and regulate each scale location.

940 F. A public weighmaster or deputy public weighmaster shall weigh any vehicle or
941 combination of vehicles on a scale having a platform that fully accommodates the
942 vehicle or combination of vehicles as one unit.

943 G. If a combination of vehicles is divided into separate units to be weighed, each separate
944 unit shall be entirely disconnected before weighing and a separate weight certificate
945 shall be issued for each unit.

946 **R3-7-505. Weight Certificates**

947 A. In issuing a weight certificate, a public weighmaster shall enter only ~~those weight values~~
948 information or other required information that the public weighmaster or deputy public
949 weighmaster has accurately and personally determined.

950 B. A public weighmaster or deputy public weighmaster shall not make any entries on a
951 weight certificate issued by another person.

952 C. By signing a weight certificate, a public weighmaster or ~~the weighmaster's deputy public~~
953 weighmaster shall be responsible for the accuracy of all entries on the weight certificate.

954 ~~A weight certificate is valid only when properly signed and sealed by the issuing public~~
955 ~~weighmaster or the deputy public weighmaster. The name and image of the seal of the~~
956 ~~public weighmaster and deputy public weighmaster may be imprinted electronically on~~
957 ~~the weighmaster certificate in lieu of a handwritten signature and embossed seal if the~~
958 ~~electronically imprinted name and seal is that of the weighmaster or deputy public~~
959 ~~weighmaster who weighed, measured, or counted the commodity. To issue an electronic~~
960 ~~signature or seal, the weighmaster or deputy public weighmaster shall have an individual~~
961 ~~login associated with the electronic signature and seal or other security measures in~~
962 ~~place to prevent non-licensed persons from use.~~ A weight certificate is valid only when

963 marked with the Seal of Authority and signed by the issuing public weighmaster or
964 deputy public weighmaster.

965 E. A Seal of Authority may be printed electronically on a weight certificate if it is identical
966 in appearance to the Seal of Authority issued by the Division.

967 F. A public weighmaster or deputy public weighmaster's signature may be printed
968 electronically on the weight certificate in lieu of a handwritten signature if the electronic
969 signature is that of the public weighmaster or deputy public weighmaster who weighed
970 the commodity.

971 G. To issue a weight certificate with an electronic Seal of Authority and signature, the
972 public weighmaster or deputy public weighmaster shall have an individual login
973 associated with the electronic Seal of Authority and signature or other security measures
974 in place to prevent unauthorized persons from use.

975 E.H. If an error is made on a weight certificate, the public weighmaster or deputy public
976 weighmaster shall void the certificate and issue a new certificate. No changes or
977 alterations shall be made on a weight certificate.

978 F.I. A weight certificate shall state:

- 979 1. The date of issuance;
- 980 2. The name of the declared owner, agent, or consignee of the material weighed;
- 981 3. The accurate weight of the material weighed or counted;
- 982 4. The means by which the material is being transported at the time it is weighed or
983 counted;
- 984 5. ~~An identification~~ The license plate number of the transporting unit, ~~including a~~
985 ~~license number~~; and

986 6. The printed name, signature, and license number of the public weighmaster or
987 deputy public weighmaster issuing the weight certificate; and

988 ~~6.7.~~ The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF
989 WEIGHT AND MEASURE. This is to certify that the described merchandise was
990 weighed, counted, or measured by a public or deputy public weighmaster, and when
991 properly signed and sealed, is prima facie evidence of the accuracy of the weight,
992 count, or measure shown as prescribed by law."

993 ~~7. The printed name, signature, and license number of the public weighmaster or~~
994 ~~deputy public weighmaster issuing the weight ticket.~~

995 **G.J.** A public weighmaster shall maintain a legible copy of each weight certificate issued
996 at each scale location, for a minimum of one year. A public weighmaster ~~also~~ shall also
997 ensure that weight certificates are consecutively numbered and filed numerically,
998 including ~~voids~~ voided weight certificates. A public weighmaster shall not use another
999 filing system without Division approval.

1000 **H.K.** A public weighmaster is liable for any forged ~~signatures~~ physical, printed, or
1001 electronic signatures.

1002 **R3-7-506. Seal of Authority**

1003 **A.** A public weighmaster shall obtain a ~~seal~~ Seal of Authority for the certification of weight
1004 certificates at cost through the Division.

1005 **B.** The Division shall assign a number to a ~~seal~~ Seal of Authority that identifying-identifies
1006 the specific location for which the ~~seal~~ Seal of Authority is issued.

1007 **C.** A ~~seal~~ Seal of Authority is the property of the state. A public weighmaster shall
1008 surrender a ~~seal~~ their assigned Seal of Authority to the Division within 30 days after the

1009 public weighmaster no longer operates as a licensed public weighmaster if the ~~seal~~Seal
1010 of Authority contains the public weighmaster's name. If the ~~seal~~Seal of Authority was
1011 issued under R3-7-506(B) and only contains the location identification number, it may
1012 be retained for use by the next licensed public weighmaster at the location if it is still
1013 legible. Illegible seals or seals used in violation of an administrative order shall be
1014 ~~surrendered to~~seized by the Division.

1015 **D.** A public weighmaster shall have one ~~seal~~Seal of Authority for use at each scale
1016 location.

1017 **E.** A ~~seal~~Seal of Authority shall be accessible to the public weighmaster and authorized
1018 ~~deputies~~deputy public weighmasters during all business hours at the scale location for
1019 the timely and proper certification of weight certificates.

1020 **F.** A public weighmaster shall keep a ~~seal of authority~~Seal of Authority at each scale
1021 location and make it available for inspection by the Division during all business hours.

1022 **G.** A public weighmaster may recreate the ~~state assigned seal~~Seal of Authority assigned by
1023 the Division in an electronic format for use as provided under ~~subsection R3-7-505(D)~~
1024 R3-7-505(E) and (G). The Division shall provide a template of ~~seal~~the Seal of
1025 Authority.

1026 **R3-7-507. Prohibited Acts**

1027 **A.** A person shall not:

1028 1. Issue a certified weight certificate without being a licensed public weighmaster or a
1029 ~~person properly~~deputy public weighmaster authorized to act for a public
1030 weighmaster;

- 1031 2. Procure, print, or cause to be printed any public weighmaster weight certificate
1032 without being a licensed public weighmaster or a deputy public weighmaster
1033 authorized to act for a public weighmaster;
- 1034 3. Possess unfilled or unused ~~public weighmaster weight certificate forms~~ certificates
1035 without being a licensed public weighmaster or a deputy public weighmaster
1036 authorized to act for a public weighmaster;
- 1037 4. Furnish or give false information to a public weighmaster or deputy public
1038 weighmaster for use in the completion of a weight certificate;
- 1039 5. Present a weight certificate for payment falsified by the insertion of any weight,
1040 measure, or count not determined by the issuing public weighmaster;
- 1041 6. Use without authorization the title “licensed public weighmaster” or any similar title;
- 1042 7. Represent oneself to be a public weighmaster without holding a license issued by the
1043 Division;
- 1044 8. Engage in public weighing without holding a valid license as a public weighmaster;
1045 ~~or acting under the authority of a licensed public weighmaster or a deputy public~~
1046 weighmaster authorized to act for a public weighmaster;
- 1047 9. Use an unlicensed scale in the performance of public weighmaster duties; or
- 1048 10. Operate a scale for public weighing unless that person is licensed as a public
1049 weighmaster or deputy public weighmaster.
- 1050 11. Nothing in this subsection shall be construed to prevent administrative staff of the
1051 public weighmaster or deputy public weighmaster from performing administrative
1052 duties such as filing weight ~~tickets~~ certificates.

1053 **B.** People engaged in the business of printing weight certificate forms, their representatives,
1054 and the Division are exempt from the prohibitions specified in subsections (A)(2) and
1055 (3).

1056 **ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES**

1057 **R3-7-601. Qualifications; License and Renewal Application Process**

1058 **A.** Registered service agency.

1059 1. To obtain a license as a registered service agency, an applicant shall provide
1060 evidence that:

1061 a. The applicant's registered service representative has a thorough knowledge of all
1062 appropriate laws within A.R.S. Title 3, Chapter 19, Handbook 44, CARB
1063 Executive Orders, and this Chapter;

1064 b. The applicant provided its representative with a copy of the portions of A.R.S.
1065 Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter
1066 relating to registered service representative duties;

1067 c. The applicant:

1068 i. Possesses the necessary certified field calibration standards ~~to service~~
1069 ~~commercial devices that meet the requirements of A.R.S. § 3-3416 for~~
1070 installing, repairing, or servicing commercial devices; and

1071 ii. Possesses the necessary vapor recovery test equipment calibrated in the time-
1072 frame required by the equipment manufacturer or CARB Executive Orders to
1073 perform the required testing of a vapor recovery system or vapor recovery
1074 component ~~properly~~; or

- 1075 iii. ~~Has pre-filed with the Division documentation that the applicant has access~~
1076 ~~to the necessary standards and testing equipment belonging to another~~
1077 ~~registered service agency and has written approval from that agency to use its~~
1078 ~~standards and testing equipment; and:~~
- 1079 1. Access to the necessary field calibration standards and vapor recovery
1080 test equipment belonging to another registered service agency;
1081 2. Written approval from that registered service agency to use its field
1082 calibration standards and vapor recovery test equipment;
1083 3. Documentation supporting that the field calibration standards meet the
1084 requirements of A.R.S. § 3-3416(F); and
1085 4. Documentation supporting that the vapor recovery test equipment meets
1086 the calibration requirements established by the CARB test procedure or
1087 this Chapter.
- 1088 d. The applicant shall ensure that its registered service representative operates ~~the~~
1089 field calibration standards and vapor recovery test equipment according to
1090 A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this
1091 Chapter.
- 1092 2. The Division shall not issue a registered service agency license until at least one of
1093 the applicant's employees passes a registered service representative competency
1094 exam.
- 1095 3. An applicant for a registered service agency license shall submit an application form,
1096 obtained from the Division that provides:

- 1097 a. Name, address, telephone number, ~~electronic mail~~ e-mail address, and ~~facsimile~~
1098 ~~number~~;
- 1099 b. License information from other states;
- 1100 c. Types of devices serviced, repaired, or installed, or vapor recovery systems or
1101 components repaired or tested;
- 1102 d. A list of all of the applicant's ~~devices and testing~~ field calibration standards and
1103 vapor recovery test equipment with corresponding serial or identification
1104 numbers;
- 1105 e. Branch office information;
- 1106 f. Names of registered service representatives and their experience with other
1107 registered service agencies or states;
- 1108 g. License and disciplinary history; and
- 1109 h. Applicant's signature.

1110 ~~**B.** Third party registered service agency. In addition to complying with the requirements in~~
1111 ~~subsection (A), a third party registered service agency shall provide the Division with~~
1112 ~~evidence that the third party registered service agency:~~

- 1113 ~~1. Holds a valid license issued by the Arizona Registrar of Contractors,~~
1114 ~~2. Complies with workers' compensation insurance laws, and~~
1115 ~~3. Maintains liability insurance sufficient to cover the value of work to be performed.~~

1116 ~~**C.**~~ **B.** Registered service representative.

- 1117 1. To obtain a license as a registered service representative, an applicant shall provide
1118 evidence that:

- 1119 a. The applicant has a thorough knowledge of all appropriate laws within A.R.S.
1120 Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter;
- 1121 b. The applicant possesses the necessary training or experience regarding
1122 appropriate field calibration standards and ~~testing~~vapor recovery test equipment
1123 to service the specific commercial device, vapor recovery system, or vapor
1124 recovery system component indicated on the application;
- 1125 ~~e. The applicant will operate according to appropriate laws within A.R.S. Title 3,~~
1126 ~~Chapter 19, Handbook 44, CARB Executive Orders; and this Chapter; and~~
- 1127 ~~d.c.~~ The applicant has passed the competency examination specified in subsection
1128 (D).
- 1129 2. An applicant for a registered service representative license shall submit an
1130 application on a form obtained from the Division that provides:
- 1131 a. Name, address, telephone number, and ~~facsimile number~~e-mail address;
- 1132 b. License information from other states;
- 1133 c. An indication of whether the applicant is applying to be a registered service
1134 representative or a vapor recovery registered service representative;
- 1135 ~~Types~~A summary of the types of devices serviced, repaired, or installed, or
1136 vapor recovery systems or components repaired or tested;
- 1137 e. Work experience with other registered service agencies in Arizona or other
1138 states;
- 1139 f. License and disciplinary history; and
- 1140 g. Applicant's signature.

- 1141 3. An applicant for a vapor recovery registered service representative license shall
1142 maintain and make available to the Division upon request evidence of being certified
1143 by the manufacturer to test or repair all vapor recovery systems and components.
1144 ~~a. Certified by the manufacturer to test or repair all vapor recovery systems and~~
1145 ~~components, or~~
1146 ~~b. Determined qualified by the Division to test or repair all vapor recovery systems~~
1147 ~~and components.~~
- 1148 4. An applicant shall submit information and documentation concerning lawful
1149 presence required by A.R.S. § 41-1080.
- 1150 **D.** Competency examination. Before being issued a registered service representative
1151 license, an applicant shall pass a Division-administered competency examination.
- 1152 1. An applicant for a vapor recovery registered service representative license shall
1153 complete the Division's training class before taking the competency examination.
1154 The Division may waive the training class requirement for up to 12 months for new
1155 applicants.
- 1156 2. An applicant shall bring a copy of Handbook 44 to the examination site. An
1157 applicant for a vapor recovery registered service representative license shall
1158 additionally bring copies of CARB test procedures, Executive Orders, and Division
1159 Standard Operating Procedures.
- 1160 3. An applicant shall complete the competency examination within the time specified
1161 by the Division and pass with a score of 75 percent or greater.

1162 4. The Division shall not allow an applicant to take the competency examination more
1163 than three times in six months and the applicant must wait seven days prior to
1164 retaking the exam.

1165 5. The associate director may contract with a third-party testing company to administer
1166 ~~testing competency examinations~~ to provide added convenience to registered service
1167 ~~representatives representative applicants~~. Taking exams through ~~the third party a~~
1168 third party is optional and the registered service representative shall be responsible
1169 for payment of any additional costs related to third-party testing.

1170 E. As required under A.R.S. § 3-3454(G), the Division shall specify on a registered service
1171 representative license the ~~devices type of service~~ that the registered service
1172 representative ~~may or the vapor recovery systems or components that the vapor recovery~~
1173 ~~registered service representative may test or repair~~. A registered service representative
1174 ~~shall perform only the services approved by the Division for the registered service~~
1175 ~~representative service, repair, or install~~ is approved to perform.

1176 F. Renewal of a registered service representative license. Under A.R.S. § 3-3454(D), a
1177 registered service representative license is valid for 12 months and expires unless
1178 renewed. To renew a registered service representative license, the registered service
1179 agency employing the registered service representative shall ~~comply with R3-7-603(E)~~
1180 submit the renewal fee for the agency license and the agency's registered service
1181 representative licenses by the first day of the month that each license expires. Before
1182 ~~complying with R3-7-603(E), submitting the renewal fee~~, the registered service agency
1183 shall ensure that once every 36 months a vapor registered service representative

1184 completes the Division's training class and takes and passes the Division's written vapor
1185 recovery competency examination.

1186 **G. A registered service agency licensee shall notify the Division of a change in business**
1187 **name or address within 30 days of the change.** The Division does not charge a fee to
1188 process a change in business name or address.

1189 **H. Change of business ownership requires application for a new license.**

1190 **I. Neither a registered service agency nor a registered service representative shall transfer a**
1191 **license.**

1192 **R3-7-602. Duties**

1193 **A. Registered service agency.**

1194 1. A registered service agency shall:

1195 a. Maintain all ~~equipment~~ field calibration standards used for commercial device
1196 certification according to standards traceable to NIST, ~~and;~~

1197 b. Use the appropriate type and quantity of field calibration standards when testing,
1198 repairing, or certifying a commercial device according to A.R.S. Title 3, Chapter
1199 19, Handbook 44, and this Chapter; and

1200 ~~b.c.~~ Maintain and use equipment for testing vapor recovery systems and vapor
1201 recovery test equipment system components according to this Chapter, CARB
1202 test procedures, and manufacturer specifications.

1203 2. When a registered service agency restores or newly places ~~in service~~ a commercial
1204 device into service, or restores a commercial device into service as the result of an
1205 Out-of-Service or Stop-Sale, Stop-Use tag, or an administrative order, the registered

- 1206 service agency shall complete a placed-in-service report form prescribed by the
1207 Division.
- 1208 a. Within seven calendar days after the commercial device is ~~restored to service or~~
1209 newly placed ~~in~~ into service ~~or restored into service~~, the registered service
1210 agency shall complete an online placed-in-service report to the Division. If an
1211 online placed-in-service report is not available for the device, a paper report shall
1212 be submitted;
- 1213 b. The registered service agency shall ~~give~~ provide a copy of the placed-in-service
1214 report to the person who owns or operates the commercial device;
- 1215 c. The registered service agency shall retain a copy of the placed-in-service report
1216 ~~or any required vapor recovery report~~ for one year;
- 1217 d. The registered service agency shall ensure that the placed-in-service report
1218 contains the assigned license number of the registered service representative who
1219 installs or ~~repairs~~ restores the commercial device and completes the report;
- 1220 e. The registered service agency shall ensure that the placed-in-service report is
1221 completed and signed by the registered service representative noting each
1222 ~~rejected-commercial device restored to service and each newly installed device~~
1223 placed in or restored into service; and
- 1224 f. The registered service agency shall ensure that the placed-in-service report
1225 includes the serial or identification number of each field calibration standard
1226 used by the registered service representative to calibrate ~~the commercial device~~
1227 ~~for each rejected device restored to service and for each newly installed device~~

1228 ~~placed in service; and each commercial device newly installed or restored to~~
1229 ~~service.~~

1230 3. A registered service agency shall have all ~~equipment used for commercial device~~
1231 ~~certification~~ field calibration standards certified annually ~~by the manufacturer as~~
1232 required under A.R.S. § 3-3416. Vapor recovery test equipment shall be certified as
1233 required by the CARB test procedure or this Chapter.

1234 4. A registered service agency shall not use a new equipment for commercial device
1235 ~~certification~~ field calibration standard until it is certified ~~by a NIST-traceable~~
1236 laboratory as required under A.R.S. § 3-3416.

1237 5. A registered service agency shall ensure that its employees do not perform registered
1238 service representative duties until the employees are licensed by the Division. A
1239 registered service agency may train an employee in registered service representative
1240 duties only if the employee is within the direct line of sight and hearing of a
1241 supervising licensed registered service representative.

1242 6. A registered service agency shall use a form approved by the Division to record
1243 vapor recovery test results and violations. The test results shall be e-mailed to the
1244 Division within seven days after completion of the test.

1245 7. A registered service agency shall retain a copy of a required vapor recovery test
1246 report for a period of one year.

1247 ~~7.8.~~ A registered service agency shall ensure that its registered service representative
1248 provides a vapor recovery system owner or operator with written test preparation
1249 instructions, at least 5 business days before an initial or annual test.

1250 **B.** Registered service representative.

- 1251 1. A registered service representative shall:
- 1252 a. Perform only the type of service that they are approved by the Division to
- 1253 perform;
- 1254 b. Install only commercial devices that meet the requirements of this Chapter;
- 1255 ~~b.c.~~ Perform all vapor recovery tests according to this Chapter;
- 1256 ~~e.d.~~ Perform all appropriate tests before a commercial device is placed in service,
- 1257 including when repairing a commercial device or repairing or replacing a vapor
- 1258 recovery system or component is newly installed or restored to service, to ensure
- 1259 that the requirements of A.R.S. Title 3, Chapter 19, this Chapter, Handbook 44,
- 1260 ~~and CARB Executive Orders~~ are met;
- 1261 e. Perform all appropriate tests when installing, repairing, or replacing a vapor
- 1262 recovery system or component to ensure that the requirements of A.R.S. Title 3,
- 1263 Chapter 19, this chapter, and CARB Executive Orders are met;
- 1264 ~~d.f.~~ Report to the user equipment or commercial devices that do not conform to NIST
- 1265 standards; ~~and~~
- 1266 ~~e.g.~~ Complete placed-in-service reports accurately;:
- 1267 h. Obtain and keep current, during the term of the registered service representative
- 1268 license, all required federal, state, and local licenses and ensure compliance with
- 1269 all federal, state, and local laws, rules, regulations, and policies governing the
- 1270 occupation of a registered service representative.
- 1271 f.2. A registered service representative shall Report-report to the Division within one
- 1272 hour by e-mail or ~~phone~~ telephone of finding a device that is not certified as part of
- 1273 the NTEP Certificate of Conformance under R3-7-203(A) and is installed to

1274 fraudulently obtain motor fuel or consumer credit payment card information, and
1275 ~~Additionally,~~ the registered service representative shall contact the local law
1276 enforcement agency for collection of the device as evidence;

1277 2.3. If a vapor recovery registered service representative cannot correct a violation
1278 and has to leave the vapor recovery site, the registered service representative shall
1279 secure the non-compliant vapor recovery system or component from commercial
1280 use. The non-compliant system or component shall not be used for commercial
1281 purposes until it is repaired and passes the test required by ~~R3-7-910~~ R3-7-1010. The
1282 registered service representative shall notify the Division of the ~~stop sale, stop use~~
1283 secured, non-compliant vapor recovery system or component prior to leaving the
1284 site. The registered service representative shall notify the Division regarding retest of
1285 the site by 6:00 a.m. of the day after the non-compliant vapor recovery system or
1286 component is secured or one hour before the test, whichever is sooner, so that the
1287 Division may witness the test.

1288 **R3-7-603. Grounds for Denying License or Renewal; Suspension, Revocation, or other**
1289 **Disciplinary Action; and Certification of Standards and Testing Equipment**

1290 ~~A. The Division shall not issue a license or renewal until an applicant pays all appropriate~~
1291 ~~fees.~~ The Division may deny a license or renewal, suspend or revoke a license, or
1292 impose other discipline, for any of the following reasons:

- 1293 1. Providing false or misleading information;
1294 2. Failure to meet annual certification requirements for field calibration standards or
1295 vapor recovery test equipment;
1296 3. Failure to pay required fees;

1297 4. Violating any requirements stated in A.R.S. Title 3, Chapter 19, or this Chapter.; or

1298 5. If an applicant, registered service agency, or registered service representative is not

1299 qualified to perform the duties of a registered service representative or registered

1300 service agency.

1301 ~~**B.** Upon receipt and acceptance of all required documents, fees, and Division certification~~
1302 ~~of standards, the Division shall issue the agency a license or renewal.~~

1303 ~~**C.** The Division shall include on a license an assigned number, that remains effective until~~
1304 ~~either withdrawn by the Division or until it expires. The Division shall issue a license~~
1305 ~~with the agency's assigned license number to each registered service representative~~
1306 ~~employed by the agency who has passed the competency examination.~~

1307 ~~**D.** Neither a registered service agency nor a registered service representative shall transfer a~~
1308 ~~license.~~

1309 ~~**E.** A registered service agency shall submit the renewal fee for the agency license and the~~
1310 ~~agency's representatives' licenses by the first day of the month that each license expires.~~

1311 ~~**F.** The Division may deny a license or renewal for any of the following reasons:~~

1312 ~~1. Providing false or misleading information;~~

1313 ~~2. Failure to meet annual certification requirements for standards or testing equipment;~~

1314 ~~3. Failure to meet the requirements stated in this Article; or~~

1315 ~~4. For any reason that would be grounds for suspension, revocation, or refusal to~~
1316 ~~renew.~~

1317 ~~**G.** The Division may suspend, revoke, or refuse to renew a license if the applicant, is not~~
1318 ~~qualified to perform those duties required or has been found to have violated any~~
1319 ~~provision of A.R.S. Title 3, Chapter 19, or this Chapter.~~

1320 ~~H. Every registered service agency and representative shall comply with the Division's~~
1321 ~~metrology laboratory annual schedule for certification of field standards contained in~~
1322 ~~A.R.S. § 3-3416(F).~~

1323 **R3-7-604. Prohibited Acts**

1324 **A.** A person shall not:

- 1325 1. Perform any duty or do any act required to be done by a registered service agency or
1326 registered service representative without holding a registered service agency or
1327 registered service representative license issued by the Division;
- 1328 2. Use the title of registered service agency or registered service representative, any
1329 similar title, or hold oneself out as a registered service agency or representative
1330 without a valid license; or
- 1331 3. Remove an official ~~out-of-service, warning, or stop-sale, stop-use~~ Out-of-Service or
1332 Stop-Sale, Stop-Use tag except as authorized in this Chapter, or by the Division.

1333 **B.** A registered service agency or registered service representative shall not:

- 1334 1. Fraudulently complete or file ~~a~~ an incomplete placed-in-service report;
- 1335 2. Delegate licensed authority or responsibility to an unlicensed person;
- 1336 3. Perform a function without certified field calibration standards or vapor recovery test
1337 equipment;
- 1338 4. ~~Install or place in service a~~ Newly install or restore a commercial device into service
1339 before satisfying all of the statutory and rule requirements of A.R.S. Title 3, Chapter
1340 19, or this Chapter;
- 1341 5. Fail to report a commercial device to the Division that is found to be out of
1342 compliance under R3-7-602;

- 1343 6. ~~Install, calibrate, or repair~~ Calibrate a commercial device without placing a decal or
1344 label on the device as prescribed by the associate director;
- 1345 7. Leave a location where there is a non-compliant commercial device without securing
1346 the commercial device from commercial use; or
- 1347 8. Leave a vapor recovery site where there is a non-compliant system or component
1348 without securing the system or component from ~~commercial~~ use.

1349 **~~R3-7-605. Material Incorporated by Reference~~**

1350 ~~The following documents are incorporated by reference and on file with the Department.~~

1351 ~~The documents incorporated by reference contain no future editions or amendments.~~

1352 ~~1. California Air Resources Board Executive Order G-70-17-AD, Modification of~~
1353 ~~Certification of the Emco Wheaton Balance Phase II Vapor Recovery System, May~~
1354 ~~6, 1993, California Air Resources Board, P.O. Box 2815, Sacramento, California~~
1355 ~~95812-2815.~~

1356 ~~2. California Air Resources Board Executive Order G-70-36-AD, Modification of~~
1357 ~~Certification of the OPW Balance Phase II Vapor Recovery System, September 18,~~
1358 ~~1992, California Air Resources Board, P.O. Box 2815, Sacramento, California~~
1359 ~~95812-2815.~~

1360 ~~3. California Air Resources Board Executive Order G-70-52-AM, Certification of~~
1361 ~~Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery Systems,~~
1362 ~~October 4, 1991, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1363 ~~California 95812-2815.~~

1364 ~~4. California Air Resources Board Executive Order G-70-70-AC, Modification of~~
1365 ~~Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing~~

- 1366 ~~Facilities, June 23, 1992, California Air Resources Board, P.O. Box 2815,~~
1367 ~~Sacramento, California 95812-2815.~~
- 1368 ~~5. California Air Resources Board Executive Order G-70-150-AE, Modification to the~~
1369 ~~Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gibarco"~~
1370 ~~VaporVac Phase II Vapor Recovery System, July 12, 2000, California Air Resources~~
1371 ~~Board, P.O. Box 2815, Sacramento, California 95812-2815.~~
- 1372 ~~6. California Air Resources Board Executive Order G-70-153-AD, Modification to the~~
1373 ~~Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System,~~
1374 ~~April 3, 2000, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1375 ~~California 95812-2815.~~
- 1376 ~~7. California Air Resources Board Executive Order G-70-154-AA, Modification to the~~
1377 ~~Certification of the Tokheim MaxVac Phase II Vapor Recovery System, June 10,~~
1378 ~~1997, California Air Resources Board, P.O. Box 2815, Sacramento, California~~
1379 ~~95812-2815.~~
- 1380 ~~8. California Air Resources Board Executive Order G-70-163-AA, Modification to the~~
1381 ~~Certification of the OPW VaporEZ Phase II Vapor Recovery System, September 4,~~
1382 ~~1996, California Air Resources Board, P.O. Box 2815, Sacramento, California~~
1383 ~~95812-2815.~~
- 1384 ~~9. California Air Resources Board Executive Order G-70-164-AA, Modification to~~
1385 ~~Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery~~
1386 ~~System, December 10, 1996, California Air Resources Board, P.O. Box 2815,~~
1387 ~~Sacramento, California 95812-2815.~~

- 1388 ~~10. California Air Resources Board Executive Order G-70-165, Certification of the~~
1389 ~~Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle,~~
1390 ~~April 20, 1995, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1391 ~~California 95812-2815.~~
- 1392 ~~11. California Air Resources Board Executive Order G-70-169-AA, Modification to the~~
1393 ~~Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery~~
1394 ~~System, August 11, 1997, California Air Resources Board, P.O. Box 2815,~~
1395 ~~Sacramento, California 95812-2815.~~
- 1396 ~~12. California Air Resources Board Executive Order G-70-177-AA, Modification to the~~
1397 ~~Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System,~~
1398 ~~December 9, 1999, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1399 ~~California 95812-2815.~~
- 1400 ~~13. California Air Resources Board Executive Order G-70-180, Order Revoking~~
1401 ~~Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing~~
1402 ~~Facilities, April 17, 1997, California Air Resources Board, P.O. Box 2815,~~
1403 ~~Sacramento, California 95812-2815.~~
- 1404 ~~14. California Air Resources Board Executive Order G-70-183-AA, Relating to~~
1405 ~~Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.),~~
1406 ~~June 29, 2001, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1407 ~~California 95812-2815.~~
- 1408 ~~15. California Air Resources Board Executive Order G-70-186, Certification of the~~
1409 ~~Healy Model 400 ORVR Vapor Recovery System, October 26, 1998, California Air~~
1410 ~~Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.~~

1411 ~~16. California Air Resources Board Executive Order G-70-188, Certification of the~~
1412 ~~Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVae~~
1413 ~~Vapor Recovery System, May 18, 1999, California Air Resources Board, P.O. Box~~
1414 ~~2815, Sacramento, California 95812-2815.~~

1415 ~~17. California Air Resources Board Executive Order G-70-191-AA, Relating to~~
1416 ~~Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.),~~
1417 ~~July 30, 2001, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1418 ~~California 95812-2815.~~

1419 ~~18. California Air Resources Board Executive Order G-70-196, Certification of the~~
1420 ~~Saber Technologies, LLC Saber-Vac VR Phase II Vapor Recovery System,~~
1421 ~~December 30, 2000, California Air Resources Board, P.O. Box 2815, Sacramento,~~
1422 ~~California 95812-2815.~~

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

R3-7-701. Definitions

In addition to the definitions in A.R.S. § 3-3401 and R3-7-101, the following definitions apply to this Article unless the context otherwise requires:

“Address” means a street number, street name, city, state, and zip code.

~~“Approved oxygenate” means an oxygenate not prohibited by A.R.S. 3-3491(E).~~

~~“Area A” has the same meaning as in A.R.S. § 3-3401.~~

~~“Area B” has the same meaning as in A.R.S. § 3-3401.~~

~~“Area C” has the same meaning as in A.R.S. § 3-3401.~~

1432 “Arizona Cleaner Burning Gasoline” or “Arizona CBG” means a gasoline blend that
1433 meets the requirements of this Article for gasoline produced and shipped to or within
1434 Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered
1435 area, except as provided under A.R.S. § 3-3493(I).

1436 “AST” means aboveground storage tank.

1437 “AZRBOB” or “Arizona Reformulated Blendstock for Oxygenate Blending” means a
1438 combination of gasoline blendstocks that is intended to be or represented to constitute
1439 Arizona CBG upon the addition of a specified amount (or range of amounts) of an
1440 ~~approved oxygenate~~ not prohibited by A.R.S. § 3-3491(E) after the blendstock is
1441 supplied from the facility at which it was produced or imported.

1442 “Batch” means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel
1443 properties specific for the motor fuel standards applicable to that motor fuel or
1444 AZRBOB.

1445 “Beginning of transport” means the point at which:

1446 A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a
1447 transporter or third-party terminal; or

1448 A registered supplier that retains custody of Arizona CBG or AZRBOB begins
1449 transfer of the Arizona CBG or AZRBOB into a vessel, tanker, or other container for
1450 transport to the CBG-covered area.

1451 “Biodiesel” has the same meaning as prescribed under A.R.S. § 3-3401.

1452 “Biodiesel blend” has the same meaning as prescribed under A.R.S. § 3-3401. Per
1453 ASTM D975, diesel fuel may contain 5 percent or less biodiesel and is not considered to
1454 be a biodiesel blend.

1455 “Biofuel” has the same meaning as prescribed under A.R.S. § 3-3401.

1456 “Biofuel blend” has the same meaning as prescribed under A.R.S. § 3-3401.

1457 “Biofuel blender” means a person that modifies a motor fuel by adding a biofuel.

1458 “Biofuel producer” means a person that owns, leases, operates, controls, or supervises a
1459 facility at which biofuel is produced.

1460 “Biofuel Supplier” means a marketer or jobber of a biofuel or biofuel blend.

1461 “Biomass” has the same meaning as prescribed under A.R.S. § 3-3401.

1462 “Biomass-based diesel” has the same meaning as prescribed under A.R.S. § 3-3401.

1463 “Biomass-based diesel blend” has the same meaning as prescribed under A.R.S. § 3-
1464 3401.

1465 “Blendstock” means any liquid compound that is blended with another liquid compound
1466 to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive
1467 registered under 40 CFR 79 is not a blendstock.

1468 ~~“CARB” means the California Air Resources Board.~~

1469 “CARBOB Model” means the procedures incorporated by reference in ~~R3-7-702(11)~~
1470 R3-7-702(12).

1471 “CARB Phase 2 gasoline” means gasoline that meets the specifications incorporated by
1472 reference in ~~R3-7-702(8)~~ R3-7-702(10).

1473 “CBG Blender” means a person that owns, leases, operates, controls, or supervises any
1474 facility, other than a refinery or transmix processing facility, where AZRBOB or
1475 Arizona CBG is produced by combining blendstocks or by combining blendstocks with
1476 fuel. Types of blending facilities include, but are not limited to, terminals, storage tanks,
1477 plants, tanker trucks, retail outlets, and marine vessels.

1478 ~~“CBG-covered area” means: a county with a population of 1,200,000 or more persons~~
1479 ~~according to the most recent United States decennial census and any portion of a county~~
1480 ~~within area A.~~

- 1481 a. A county with a population of 1,200,000 or more persons according to the most
1482 recent United States decennial census;
1483 b. Any portion of a county within area A; and
1484 c. Any portion of a county within area C from June 1 through September 30 of each
1485 year.

1486 “Conventional gasoline” means gasoline that conforms to the requirements of this
1487 Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG
1488 or AZRBOB.

1489 “Diesel fuel” or “Diesel” has the same meaning as prescribed under A.R.S. § 3-3401.

1490 Per ASTM D975, diesel fuel may contain 5 percent or less biodiesel.

1491 “Duplicate” means a portion of a sample that is treated the same as the original sample
1492 to determine the accuracy and precision of an analytical method.

1493 “E15” means gasoline that contains more than 10 and no more than 15 volume percent
1494 ethanol.

1495 ~~“EPA” means the United States Environmental Protection Agency.~~

1496 “EPA waiver” means a waiver granted by the Environmental Protection Agency as
1497 described in “Waiver Requests under Section 211(f) of the Clean Air Act,” which is
1498 incorporated by reference in R3-7-702(A)(6).

1499 “Ethanol” means an alcohol of the chemical formula C₂H₅OH. Ethanol is provided in
1500 gasoline-ethanol blends by blending denatured fuel ethanol.

1501 “Ethanol flex fuel” has the same meaning as prescribed under A.R.S. § 3-3401.

1502 “Final destination” means the name and address of the location to which a transferee
1503 will deliver motor fuel for further distribution or final consumption.

1504 “Final distribution facility” means a stationary motor-fuel transfer point at which motor
1505 fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel
1506 from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site.
1507 A cargo tank truck is a final distribution facility if the cargo tank truck transports motor
1508 fuel or AZRBOB and carries documentation that the type and amount or range of
1509 amounts of oxygenates designated by the registered supplier will be or have been

1510 blended directly into the cargo tank truck before delivery of the resulting motor fuel to a
1511 motor-fuel dispensing site.

1512 “Fleet” means at least 25 motor vehicles owned or leased by the same person.

1513 “Fleet vehicle fueling facility” means a facility or location where a motor fuel is
1514 dispensed for final use by a fleet.

1515 “Fuel ethanol” means denatured ethanol that meets the requirements in ASTM D4806,
1516 which is incorporated by reference in R3-7-702(A)(4).

1517 “Fuel property” means any characteristic listed in R3-7-751(A)(1) through (7), R3-7-
1518 751(B)(1) through (7), R3-7-751(C), or any other motor fuel standard referenced in this
1519 Article.

1520 “Gasoline” has the same meaning as prescribed under A.R.S. § 3-3401.

1521 “Isobutanol” means butanol isomer 2-methyl-1-propanol that meets the requirements in
1522 ASTM D7862, which is incorporated by reference in R3-7-702(A)(9).

1523 “Jobber” means a person that distributes a motor fuel from a bulk storage plant to the
1524 owner or operator of a UST or AST or purchases a motor fuel from a terminal for
1525 distribution to the owner or operator of a UST or AST.

1526 ~~“Manufacturer's proving ground” has the same meaning as prescribed under A.R.S. § 3-~~
1527 ~~3401.~~

1528 “Marketer” means a person engaged in selling or offering for sale motor fuels.

1529 “Motor Fuel” has the same meaning as prescribed under A.R.S. § 3-3401.

1530 “Motor fuel dispensing site” means a facility or location where a motor fuel is dispensed
1531 into commerce for final use.

1532 ~~“Motor fuel property” means any characteristic listed in R3-7-751(A)(1) through (7),~~
1533 ~~R3-7-751(B)(1) through (7), Table 1, Table 2, or any other motor fuel standard~~
1534 ~~referenced in this Article.~~

1535 “Motor vehicle” means a vehicle equipped with a spark-ignited or compression-ignition
1536 internal combustion engine except:

1537 A vehicle that runs on or is guided by rails, or

1538 A vehicle designed primarily for travel through air or water.

1539 ~~“Motor vehicle racing event” has the same meaning as prescribed under A.R.S. § 3-~~
1540 ~~3401.~~

1541 “MTBE” means methyl tertiary butyl ether.

1542 “Neat” means pure or 100 percent.

1543 “NOx” means oxides of nitrogen.

1544 “Octane,” “octane number,” or “octane rating” mean the anti-knock characteristic of
1545 gasoline as determined by the resultant arithmetic test average of ASTM D2699 and
1546 ASTM D2700.

1547 “Oxygenate” has the same meaning as prescribed under A.R.S. § 3-3401.

1548 “Oxygenate blender” means a person that owns, leases, operates, controls, or supervises
1549 an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used,
1550 or the gasoline produced, at an oxygenate-blending facility.

1551 “Oxygen content” means the percentage by weight of oxygen contained in a gasoline
1552 oxygenate blend as determined under ASTM D4815.

1553 “Pipeline” means a transporter that owns or operates an interstate common-carrier pipe
1554 or is subject to Federal Energy Regulatory Commission tariffs to transport motor fuels
1555 into Arizona.

1556 “Premium ~~Diesel~~ diesel” means a diesel fuel meeting the requirements in ASTM D975
1557 and in Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulations,
1558 Section ~~2.2.1(a) through 2.2.1(d)~~ 2.2.1(a) through 2.2.1(f).

1559 “Producer” means a refiner, **CBG** blender, or other person that produces a motor fuel,
1560 including Arizona CBG or AZRBOB.

1561 “Production facility” means a facility at which a motor fuel, including Arizona CBG or
1562 AZRBOB, is produced. Upon request of a producer, the associate director may
1563 designate, as part of the producer's production facility, a physically separate bulk storage
1564 facility that:

1565 Is owned or leased by the producer;

1566 Is operated by or at the direction of the producer; and

1567 Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that
1568 are supplied only from the production facility.

1569 “Product transfer document” has the same meaning as prescribed under A.R.S. § 3-3401.

1570 “Refiner” means a person that owns, leases, operates, controls, or supervises a refinery
1571 in the United States, including its trust territories.

1572 “Refinery” means a facility that produces a liquid fuel, including Arizona CBG or
1573 AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel
1574 offered for sale or sold into commerce as a finished motor fuel.

1575 “Reproducibility” means the testing method margin of error as provided in the ASTM
1576 specification or other testing method required under this Article.

1577 “Supply” means to provide or transfer motor fuel to a physically separate facility,
1578 vehicle, or transportation system.

1579 “Terminal” means an owner or operator of a motor fuel storage tank facility that accepts
1580 custody, but not necessarily ownership, of a motor fuel from a registered supplier,
1581 oxygenate blender, pipeline, or other terminal and relinquishes custody of the motor fuel
1582 to a transporter or another terminal.

1583 “Test result” means any document that contains a result of testing including all original
1584 test measures, all subsequent test measures that are not identical to the original test
1585 measure, and all worksheets on which calculations are performed.

1586 “Transferee” means a person that receives title to or custody of a motor fuel.

1587 “Transferor” means a person that relinquishes title to or custody of a motor fuel to a
1588 transporter, marketer, jobber, or motor fuel dispensing site.

1589 “Transmix” means a mixture of petroleum distillate fuel and gasoline that does not meet
1590 the Arizona standards for either petroleum distillate fuels or gasoline.

1591 “Transmix facility” means a facility at which transmix is processed into its components
1592 and then the components either are combined with a finished product or further
1593 processed to produce a finished motor fuel.

1594 “Transporter” means a person that causes motor fuels, including Arizona CBG or
1595 AZRBOB, to be transported into or within Arizona.

1596 “UST” means underground storage tank.

1597 “Vapor pressure” means dry vapor pressure equivalent of gasoline or blendstock as
1598 measured according to ASTM D5191.

1599 ~~“Vehicle emissions control area” has the same meaning as prescribed under A.R.S. § 3-~~
1600 ~~3401.~~

1601 “VOC” means volatile organic compound.

1602 **R3-7-702. Material Incorporated by Reference**

1603 **A.** The following documents are incorporated by reference and on file with the Division.

1604 The documents incorporated by reference contain no future editions or amendments.

- 1605 1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 14, 2016
1606 Edition, Government Publishing Office, 732 North Capitol Street, NW, Washington,
1607 D.C. 20401-0001 or bookstore.gpo.gov.
- 1608 2. API Recommended Practice 1637 (API RP 1637), “Using the API Color-Symbol
1609 System to Mark Equipment and Vehicles for Product Identification at Gasoline
1610 Dispensing Facilities and Distribution Terminals,” 4th edition published July 2006,
1611 Reaffirmed May 2012 April 2020, American Petroleum Institute (API), 6300
1612 Interfirst Drive, Ann Arbor, MI, 48108-200 Massachusetts Avenue NW Suite 1100,
1613 Washington, DC, 20001-5571.
- 1614 3. ASTM Standard D975-21, 2016a (ASTM D975-16a), “Standard Specification for
1615 Diesel Fuel-Oils,” published 2016-2021, ASTM International, 100 Barr Harbor
1616 Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
- 1617 4. ASTM Standard D4806-21a, 2016a (ASTM D4806-16a), “Standard Specification
1618 for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive
1619 Spark-Ignition Engine Fuel,” published 2016-2021, ASTM International, 100 Barr
1620 Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
- 1621 5. ASTM Standard D4814-21c, 2016ee1 (ASTM D4814-16ee1), “Standard
1622 Specification for Automotive Spark-Ignition Engine Fuel,” published 2016-2021,
1623 ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
1624 or www.astm.org.
- 1625 6. Waiver Requests under Section 211(f) of the Clean Air Act, (August 22,
1626 1995 Document EPA-420-B-19-054, October 2019 edition), United States

- 1627 Environmental Protection Agency, Transportation and Regional Programs Division,
1628 Fuels Program Support Group, Mail Code 6406-J, Washington, D.C. 20460.
- 1629 7. ASTM Standard D5798-21, ~~2015 (ASTM D5798-15)~~, “Standard Specification for
1630 Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines,”
1631 published ~~2015~~-2021, ASTM International, 100 Barr Harbor Drive, West
1632 Conshohocken, PA 19428-2959 or www.astm.org.
- 1633 8. ASTM Standard D6751-20a, ~~2015ee1 (ASTM D6751-15ee1)~~, “Standard
1634 Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels,”
1635 published ~~2015~~-2020, ASTM International, 100 Barr Harbor Drive, West
1636 Conshohocken, PA 19428-2959 or www.astm.org.
- 1637 9. ASTM Standard D7862-21, ~~2017 (ASTM D7862-17)~~, “Standard Specification for
1638 Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine
1639 Fuel,” published ~~2017~~-2021, ASTM International, 100 Barr Harbor Drive, West
1640 Conshohocken, PA 19428-2959 or www.astm.org.
- 1641 10. California Air Resources Board, “California Procedures for Evaluating Alternative
1642 Specifications for Phase 2 Reformulated Gasoline Using the California Predictive
1643 Model,” adopted April 20, 1995. A copy may be obtained at: CARB, P.O. Box 2815,
1644 Sacramento, CA 95812 or www.arb.ca.gov.
- 1645 11. The Federal Complex Model contained in 40 CFR 80.45, January 1, 1999. A copy
1646 may be obtained at: Government Publishing Office, 732 North Capitol Street, NW,
1647 Washington, D.C. 20401-0001 or bookstore.gpo.gov.
- 1648 12. California Air Resources Board, The California Reformulated Gasoline Regulations,
1649 Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining

1650 to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB)
1651 and Downstream Blending), as of April 9, 2005. A copy may be obtained at: CARB,
1652 P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.

1653 13. California Air Resources Board, Procedures for Using the California Model for
1654 California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB),
1655 adopted April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815,
1656 Sacramento, CA 95812 or www.arb.ca.gov.

1657 14. ASTM Standard D7467-20a, ~~2015e1~~ (~~ASTM D7467-15e1~~), “Standard
1658 Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20),” published ~~2015~~
1659 2020, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-
1660 2959 or www.astm.org.

1661 15. SAE International, SAE J285, “Dispenser Nozzle Spouts for Liquid Fuels Intended
1662 for Use with Spark Ignition and Compression Ignition Engines,” published ~~May 5,~~
1663 ~~2012~~ April 2019, SAE International, 400 Commonwealth Drive, Warrendale, PA
1664 ~~15096-0001~~ 15096 or www.sae.org.

1665 16. ASTM Standard D4057-19, “Standard Practice for Manual Sampling of Petroleum
1666 and Petroleum Products,” published 2019, ASTM International, 100 Barr Harbor
1667 Drive, West Conshohocken, PA 19428-2959 or www.astm.org.

1668 17. National Institute of Standards and Technology (NIST) Handbook 158, *Field*
1669 *Sampling Procedures for Fuel and Motor Oil Quality Testing*, Government
1670 Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or
1671 bookstore.gpo.gov (April 2016), incorporated by reference and on file with the
1672 Division. This incorporation by reference contains no future editions or amendments.

1673 ~~B. Subsection (A)(11) will not become effective until Arizona's revised State~~
1674 ~~Implementation Plan submitted by ADEQ to EPA in August 2013 and subsequent~~
1675 ~~supplement submitted July 2014 is approved by EPA.~~

1676 **R3-7-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers Return of**
1677 **Motor Fuels Collected During Volumetric Inspection**

1678 ~~A. After completing an inspection, and if made possible by the motor fuel dispensing site~~
1679 ~~owner or operator, the Division shall return all motor fuel to the owner or operator of a~~
1680 ~~motor fuel dispensing site at the site where the Division collected the motor fuel collected~~
1681 ~~during the volumetric inspection of motor fuel dispensers to the location where the~~
1682 ~~inspection occurred.~~

1683 ~~B. After completing an inspection, if a motor fuel cannot be returned to the owner or~~
1684 ~~operator of a motor fuel dispensing site at the site where the Division collected the~~
1685 ~~motor fuel, the Division shall transport the motor fuel to another site of the owner or~~
1686 ~~operator's choice and within a 20-mile radius of the inspection site.~~

1687 **R3-7-704. Motor Fuel Dispensing Site Price and Grade Posting on External Signs**

1688 ~~A. A person who owns or operates a motor fuel dispensing site that has an external sign~~
1689 ~~shall ensure that the sign: Any roadside or other sign, including, but not limited to,~~
1690 ~~prices on poles, monument signs, canopies, 'A-frame' signs, or other structures, that~~
1691 ~~advertises or displays motor fuel prices and is not connected to a motor fuel dispenser~~
1692 ~~shall display:~~

1693 ~~1. Identifies whether the price differs depending on whether the payment is cash, credit,~~
1694 ~~or debit;~~

1695 ~~2. Identifies the self-service and full-service prices, if different;~~

- 1696 ~~3. Discloses the full price of motor fuel including fractions of a cent and all federal and~~
1697 ~~state taxes, if the sign displays the motor fuel price. A decimal point shall be used in~~
1698 ~~the displayed price when a dollar sign precedes the posted price;~~
- 1699 ~~4. Displays lettering at a height of at least 1/5 of the letter height of the motor fuel price~~
1700 ~~displayed on the external sign or 2 1/2", whichever is larger, and is visible from the~~
1701 ~~road;~~
- 1702 ~~5. States the terms of any condition if the displayed price is conditional upon the sale of~~
1703 ~~another product or service. The terms of any condition shall comply with the letter~~
1704 ~~height requirement in subsection (A)(4);~~
- 1705 ~~6. Describes the motor fuel that meets ASTM D975 as No. 1 Diesel, #1 Diesel, No. 2~~
1706 ~~Diesel, #2 Diesel, or premium diesel. Describes other fuel for use in compression~~
1707 ~~ignition engines as biodiesel, or biodiesel blend. Diesel fuel No. 2 may be labeled on~~
1708 ~~dispensers as diesel fuel without indication of the fuel grade;~~
- 1709 ~~7. Describes motor fuel with an ethanol concentration of 51 to 83 volume percent as~~
1710 ~~ethanol flex fuel;~~
- 1711 ~~8. Identifies the unit of measure of the price, if it is other than per gallon; and~~
- 1712 ~~9. Sites that sell Ethanol Flex Fuel previously labeled as "E-85" shall update the~~
1713 ~~signage to reflect the sale of Ethanol Flex Fuel no later than January 1, 2018. In no~~
1714 ~~case shall signage with an incorrect ethanol content be advertised at the motor fuel~~
1715 ~~dispensing site.~~
- 1716 1. The undiscounted price for any motor fuel product and applicable grade advertised
1717 or displayed; or

- 1718 2. The discounted price for any motor fuel product and applicable grade advertised or
 1719 displayed along with the conditions under which the discount is available, including,
 1720 but not limited to, “Cash”, “Cash Only”, or “Membership.” Any discount conditions
 1721 must be clearly presented on a sign in a font no less than 1/5 the size of the largest
 1722 number posted on the sign or 2 ½ inches, whichever is larger, and may not be
 1723 abbreviated. The discount conditions must appear immediately next to, above or
 1724 below the discounted price and with equal illumination as the discounted price.
- 1725 3. The self-service and full-service prices, if different.
- 1726 4. The unit of measure of the price if other than per gallon.
- 1727 5. Fractions of a cent, if the fuel price is not charged at a whole cent.
- 1728 6. A decimal point when a dollar sign precedes the posted price.
- 1729 **B. All motor fuel prices displayed must include all applicable federal and state taxes.**
- 1730 **C. Motor fuel Descriptions. Motor fuel types, grades, and blends shall be described on**
 1731 **roadside or other signs** as indicated in the following table:

<u>Motor Fuel</u> <u>Type</u>	<u>ASTM</u> <u>Standard</u>	<u>Fuel Properties</u>	<u>Allowable Description</u>
<u>Biodiesel</u> <u>Blend</u>	<u>D7467</u>	<u>More than 5 and no</u> <u>more than 20 volume</u> <u>percent biodiesel</u>	<u>Biodiesel Blend or B-20</u> <u>Biodiesel Blend</u>
<u>Diesel</u>	<u>D975</u>	<u>Min. flash point 38° C</u> <u>Min. viscosity 1.3</u> <u>mm²/S, max. 2.4</u> <u>mm²/S</u>	<u>No. 1 Diesel, #1 Diesel,</u> <u>Diesel No. 1, or Diesel #1</u>

		<u>Min. flash point 52° C</u> <u>Min. viscosity 1.9</u> <u>mm²/S, max. 4.1</u> <u>mm²/S</u>	<u>No. 2 Diesel, #2 Diesel,</u> <u>Diesel No. 2, Diesel #2, or</u> <u>Diesel</u>
		<u>Meets definition of</u> <u>Premium Diesel in</u> <u>R3-7-101</u>	<u>Premium Diesel</u>
<u>Ethanol</u> <u>Flex Fuel</u>	<u>D5798</u>	<u>51-83 volume percent</u> <u>ethanol</u>	<u>Ethanol Flex Fuel</u>
<u>Gasoline</u>	<u>D4814</u>	<u>Minimum 87 octane</u>	<u>Regular, Reg, Unleaded,</u> <u>UNL, or UL</u>
		<u>Minimum 89 octane</u>	<u>Midgrade, Mid, or Plus</u>
		<u>Minimum 91 octane</u>	<u>Premium, Prem, Super,</u> <u>Supreme, High, or High</u> <u>Performance</u>
		<u>Contains more than 10</u> <u>but no more than 15</u> <u>volume percent</u> <u>ethanol</u>	<u>E15¹</u>

1732 ¹E15 may be labeled with the minimum octane rating. However, the minimum
 1733 octane rating is not required if the dispenser is labeled in accordance with 40 CFR
 1734 1090.1510.

1735 A person may use an alternative to the descriptions provided in subsection (C) upon
1736 receipt of written approval by the associate director.

1737 ~~**B.** For the following terms used on a sign to describe a gasoline grade or gasoline-~~
1738 ~~oxygenate blend, the grade or blend shall meet the following minimum antiknock index~~
1739 ~~as determined by the test average of ASTM D 2699 and ASTM D 2700, also known as~~
1740 ~~the (R+M)/2 method:~~

1741	Term	Minimum Antiknock Index
1742	1. Regular, Reg, Unleaded, UNL, or UL	87
1743	2. Midgrade, Mid, or Plus	89
1744	3. Premium, PREM,	91
1745	Super, Supreme, High,	
1746	or High Performance	

1747 ~~**C.** A person may use an alternative to the descriptions provided in subsection (B) upon~~
1748 ~~receipt of written approval by the associate director.~~

1749 **R3-7-705. Dispenser Labeling at Motor Fuel Dispensing Sites**

1750 The owner or operator of a motor fuel dispensing site shall label dispensers in accordance
1751 with the following provisions:

1752 **A.** Pricing, motor fuel grade, octane rating, and lead substitute. A motor fuel dispensing
1753 station owner or operator shall ensure that information regarding pricing, motor fuel
1754 grade, octane rating, and lead-substitute addition displayed on a motor fuel dispenser:

1755 1. ~~Lists the full price of the motor fuel including fractions of a cent and all federal and~~
1756 ~~state taxes;~~

- 1757 2-1. Displays the highest price of each grade of motor fuel sold from the dispenser
1758 prior to any deliberate action of the customer resulting in a discounted price being
1759 displayed, provided the dispenser is capable of dispensing and computing the price
1760 of motor fuel at more than one price;
- 1761 2. Displays a sign or label explaining the terms or conditions of any discounted price
1762 available to the consumer including whether the price differs based on method of
1763 payment or is conditional based on the sale of another product or service;
- 1764 ~~3. Complies with the requirements of R3-7-704(A)(1), (A)(2), (A)(3), (A)(5), (A)(6),~~
1765 ~~(A)(7), (A)(8), (A)(9) and (B).~~
- 1766 3. Complies with the requirements of R3-7-704(A)(3) through (A)(6), (B), and (C);
- 1767 4. Displays the octane rating of each grade of gasoline; and
- 1768 5. Displays the signs legend required by Handbook 130 for motor fuel dispensers that
1769 dispense gasoline with lead substitute, in letters at least 1/4" ¼ inch in height ; and
1770 The legend shall be presented in block letters on a sharply contrasting background
1771 with lettering no smaller than ¼ inch in height.
- 1772 **6.B.** Sites that sell ethanol flex fuel previously labeled as "E-85" shall update the signage
1773 to reflect the sale of ethanol flex fuel no later than January 1, 2018. In no case shall
1774 signage with an incorrect ethanol content be advertised at the motor fuel dispensing
1775 site. Motor fuel dispensers that are used exclusively for fleet sales and other price
1776 contract sales are exempt from the requirements in subsections (A)(1) and (A)(2).
- 1777 **B.C.** All motor fuels shall meet the labeling requirements of 16 CFR 306. Additionally,
1778 the following requirements apply:
- 1779 1. Gasoline containing **fuel** ethanol.

1780 a. Gasoline containing greater than 1.5 percent by weight oxygen or 4.3 percent by
1781 volume ~~fuel~~ ethanol shall be labeled with the following statement to indicate the
1782 maximum percent by volume of ~~fuel~~ ethanol contained in the gasoline: “May
1783 contain up to _____ % ~~fuel~~ ethanol.”

1784 ~~b. Within the CBG covered area and area B, gasoline containing fuel ethanol shall~~
1785 ~~be labeled with the following statement: “This gasoline is oxygenated with fuel~~
1786 ~~ethanol and will reduce carbon monoxide emissions from motor vehicles.”~~

1787 ~~e.b. Gasoline for sale outside of the CBG covered area with an ethanol content~~
1788 ~~greater than 10 volume percent and less than or equal to 15 volume percent shall~~
1789 ~~additionally be labeled in accordance with 40 CFR 80.1501, as it existed on July~~
1790 ~~18, 2014, 40 CFR 1090.1510, as it existed on December 4, 2020, and is~~
1791 ~~incorporated by reference and on file with the Division. A copy may be obtained~~
1792 ~~at the Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-~~
1793 ~~9000 or bookstore.gpo.gov.~~

1794 2. Gasoline containing an oxygenate other than ~~fuel~~ ethanol. Gasoline containing
1795 greater than 1.5 percent by weight of an oxygenate other than ethanol shall be
1796 labeled with the following statement to indicate the type and maximum percent by
1797 volume of oxygenate contained in the gasoline: “May contain up to _____ %
1798 _____.”

1799 3. The ~~labels label~~ in subsection B(1) and (B)(2) (C)(1)(a) shall be printed in ~~black and~~
1800 ~~white~~ block letters on a sharply contrasting background with lettering no smaller
1801 than ¼ inch in height. ~~The statements in subsection (B)(1)(i) and (B)(1)(ii) may be~~

1802 ~~printed on the same label or on separate labels if the statements are displayed next to~~
1803 ~~each other.~~

1804 4. Non-oxygenated gasoline. ~~It is prohibited to label a dispenser as containing Gasoline~~
1805 ~~sold at a motor fuel dispenser shall not be represented as containing no oxygenate~~
1806 ~~oxygenates~~ if the gasoline contains more than 0.5 percent by volume of any
1807 oxygenates.

1808 5. Biodiesel blends. ~~The~~ If the diesel grade component of a biodiesel blend is a grade
1809 other than No. 2 Diesel, the diesel grade component shall be separately identified as
1810 part of the blend. ~~as contained within ASTM D975 for grades other than No. 2 diesel~~
1811 ~~shall be identified.~~

1812 **C.D.** Unattended retail motor fuel dispensers. In addition to all labeling and sign
1813 requirements in this Article, the owner or operator of a motor fuel dispensing site that is
1814 unstaffed shall post ~~on or next to each motor fuel dispenser~~ a sign or label at the motor
1815 fuel dispensing site, in public view, that conspicuously lists the owner's or operator's
1816 name, address, and telephone number.

1817 **D.E.** ~~All Motor fuel dispensers shall have~~ display a decal that contains the Division's
1818 name and ~~phone~~ telephone number. A template of the decal shall be placed on the
1819 Weights and Measures Services Division website for use by retailers. The seal placed by
1820 the Division under A.R.S. § 3-3414(A)(13) satisfies this requirement.

1821 **E.F.** All labels and information required under this section to be posted on a motor fuel
1822 dispenser shall be ~~in~~ displayed on the upper 50 percent of the front panel of each motor
1823 fuel dispenser and shall be clean, legible, and visible at all times.

1824 **R3-7-706. Repealed**

1825 **R3-7-707. Product Transfer Documentation and Record Retention for Motor Fuel**
1826 **other than Arizona CBG and AZRBOB**

1827 **A.** When a transferor transfers custody or title to a motor fuel that is not Arizona CBG or
1828 AZRBOB, and the motor fuel is not sold or dispensed at a motor fuel dispensing site or
1829 fleet vehicle fueling facility, the transferor shall provide to the transferee documents that
1830 include the following information:

- 1831 1. The grade of the motor fuel;
- 1832 2. The volume of each grade of motor fuel being transferred;
- 1833 3. The date of the transfer;
- 1834 4. ~~Product~~The product transfer document number;
- 1835 5. For conventional gasoline;:
 - 1836 a. ~~the~~The minimum octane rating of each grade as prescribed by 16 CFR 306;
 - 1837 6. ~~For conventional gasoline, the type and maximum volume of oxygenate contained in~~
1838 ~~each grade~~
 - 1839 b. A legible and conspicuous statement that the gasoline being transferred contains
1840 an oxygenate and lists the type and percentage concentration of the oxygenate by
1841 volume; and
 - 1842 7. ~~For conventional gasoline~~
 - 1843 c. If transported in or through the CBG-covered area, the statement, “This gasoline
1844 is not intended for use inside the CBG-covered area”;
- 1845 8.6. If a lead substitute is present in the gasoline, the type of lead substitute present;
- 1846 9.7. ~~For the~~The following information regarding biofuel or biofuel blends;

- 1847 a. Ethanol ~~Flex Fuel~~flex fuel shall contain a declaration of the volume percent of
1848 ethanol in the blend; or
- 1849 b. Biodiesel and biomass-based diesel blends containing more than 5 percent
1850 biodiesel or biomass-based diesel shall contain a declaration of the volume
1851 percent biodiesel or biomass-based diesel in the blend, as well as the grade of
1852 diesel in the blend; and
- 1853 c. All other biofuel or biofuel blends shall contain the percentage of biofuel in the
1854 finished product; and
- 1855 ~~10.8.~~ The final destination, as follows:
- 1856 a. When a terminal is the transferor, the owner or operator of the terminal shall
1857 include on the product transfer document the terminal name and address and the
1858 transporter name and address;
- 1859 b. When a transporter is the transferor, the transporter shall include on the product
1860 transfer document the name and address of the transporter and the final
1861 destination, which is the location at which the motor fuel will be delivered and
1862 off loaded from the truck; and
- 1863 c. When a jobber or marketer is the transferor, the jobber or marketer shall include
1864 on the product transfer document the name and address of the jobber or marketer
1865 and the final destination, which may be a final distribution facility or a motor
1866 fuel dispensing site.
- 1867 **B.** To enable a transferor to comply fully with the requirement in subsection ~~(A)(10)(b)~~
1868 (A)(8)(b) and ~~(A)(10)(e)~~ (A)(8)(c), the transferee shall supply to the transferor
1869 information regarding the final destination.

1870 C. A registered supplier, **oxygenate blender**, third-party terminal, or pipeline may use
1871 standardized product codes on pipeline tickets as the product transfer documentation.

1872 D. A ~~person-transferor~~ identified in subsection (A) shall retain product transfer
1873 documentation for each delivered shipment ~~delivered~~ for 12 months. ~~This~~
1874 ~~documentation shall be available within two working days from the time of the~~
1875 ~~Division's request. For 30 days following the transfer, such documentation shall be kept~~
1876 ~~at the transferor's address listed on the product transfer documentation.~~

1877 ~~E. A person identified in subsection (A) shall maintain product transfer documentation for~~
1878 ~~a transfer or delivery during the preceding 30 days at that person's address listed on the~~
1879 ~~product transfer documentation.~~

1880 ~~F.E.~~ An owner or operator of a motor fuel dispensing site or fleet owner shall ~~maintain~~
1881 keep, available for Division review, product transfer documentation for the three most
1882 recent deliveries of each grade of motor fuel ~~on the premises at~~ of the motor fuel
1883 dispensing site ~~owner or operator or fleet owner. This documentation shall be available~~
1884 ~~for Division review.~~

1885 ~~G. The Division shall accept a legible photocopy of a product transfer document instead of~~
1886 ~~the original.~~

1887 ~~H.F.~~ A person transferring custody or title of Arizona CBG or AZRBOB shall comply
1888 with R3-7-757.

1889 G. Upon request by the Division, a person shall present product transfer documents to the
1890 Division within two business days. Legible photocopies or electronic copies of the
1891 product transfer documents are acceptable.

1892 **R3-7-708. Gasoline Oxygenate Blends**

1893 A. A person that has custody of gasoline blended with an oxygenate shall ensure that the
1894 amount of oxygenate does not exceed the amount allowed by EPA waivers, Section
1895 211(f) of the Clean Air Act, and meets the requirements of A.R.S. §§ 3-3491, 3-3492,
1896 and 3-3495.

1897 ~~B. Special provisions for gasoline ethanol blends.~~

1898 ~~1. A gasoline ethanol blend that meets the requirements in subsections (B)(1)(a) and (b)~~
1899 ~~shall not exceed the vapor pressure specified in ASTM D4814 by more than 1 psi:~~

1900 ~~a. The concentration of the ethanol, excluding the required denaturing agent, shall~~
1901 ~~be:~~

1902 ~~i. From May 1 through September 15, at least nine percent and no more than 10~~
1903 ~~percent by volume of the gasoline ethanol blend; and~~

1904 ~~ii. From September 16 through April 30, at least 1.5 percent by weight and no~~
1905 ~~more than 10 percent by volume of the gasoline ethanol blend; and~~

1906 ~~b. The ethanol content of the gasoline ethanol blend shall:~~

1907 ~~i. Be determined using the appropriate test method listed in ASTM D4814, and~~

1908 ~~ii. Not exceed any applicable waiver condition under Section 211(f) of the~~
1909 ~~Clean Air Act.~~

1910 ~~2. The provision in subsection (B)(1) is effective for gasoline ethanol blends sold:~~

1911 ~~a. Outside the CBG covered area year around, and~~

1912 ~~b. Within the CBG covered area during April.~~

1913 ~~3. Gasoline blended with no more than 10 percent by volume of fuel ethanol shall be~~
1914 ~~blended using one of the following alternatives:~~

- 1915 a. ~~The base gasoline complies with the standards in ASTM D4814, the fuel ethanol~~
1916 ~~complies with the standards in ASTM D4806, and the finished blend complies~~
1917 ~~with the standards in ASTM D4814 with the following permissible exceptions:~~
1918 i. ~~The distillation minimum temperature at the 50 volume percent evaporated~~
1919 ~~point is not less than 66°C (150°F), and~~
1920 ii. ~~The minimum test temperature at which the vapor/liquid ratio is equal to 20~~
1921 ~~is waived;~~
1922 b. ~~The finished blend complies with the standards in ASTM D4814; or~~
1923 c. ~~The base gasoline complies with the standards in ASTM D4814 except~~
1924 ~~distillation and the finished blend complies with the standards in ASTM D4814~~
1925 ~~with the following permissible exceptions:~~
1926 i. ~~The distillation minimum temperature at the 50 volume percent evaporated~~
1927 ~~point is not less than 66°C (150°F), and~~
1928 ii. ~~The minimum test temperature at which the vapor/liquid ratio is equal to 20~~
1929 ~~is waived.~~
1930 4. ~~A gasoline ethanol blend shall meet the standards specified in ASTM D4814.~~
1931 **B. Fuel ethanol specifications. A person that uses fuel ethanol as a blending component**
1932 with conventional gasoline, conventional gasoline blendstocks, ethanol flex fuel,
1933 AZRBOB, or Arizona CBG shall ensure that the fuel ethanol meets the following
1934 requirements:
1935 1. A sulfur content not exceeding 10 ppm by weight;
1936 2. The fuel ethanol must be composed solely of carbon, hydrogen, nitrogen, oxygen,
1937 and sulfur;

- 1938 3. Only gasoline previously certified under 40 CFR Part 1090, Subpart C, (including
1939 previously certified blendstocks for oxygenate blending), gasoline blendstocks,
1940 natural gas liquids, or certified ethanol denaturant that meets the requirements in 40
1941 CFR § 1090.275 may be used as denaturants; and
- 1942 4. The concentration of all denaturants is limited to a maximum of 3.0 volume percent.
- 1943 ~~C. In addition to complying with the requirements in R3-7-707, the transferor of an~~
1944 ~~oxygenated gasoline blend shall ensure that the product transfer document contains a~~
1945 ~~legible and conspicuous statement that the gasoline being transferred contains an~~
1946 ~~oxygenate and lists the type and percentage concentration of the oxygenate.~~
- 1947 C. For oxygenates other than ethanol, the oxygenate shall meet the applicable ASTM
1948 standard for the oxygenate, and the finished blend shall meet ASTM D4814.
- 1949 ~~D. Nothing in this subsection shall preclude the sale of gasoline with an ethanol content~~
1950 ~~greater than 10 percent by volume and less than or equal to 15 percent by volume of~~
1951 ~~ethanol outside of the CBG-covered area.~~
- 1952 D. Special provisions for gasoline-ethanol blends.
- 1953 1. Gasoline-ethanol blends shall meet ASTM D4814, except as provided in subsection
1954 (D)(2) or (D)(3).
- 1955 2. The maximum vapor pressure for gasoline blended with fuel ethanol may exceed the
1956 vapor pressure requirements outlined in ASTM D4814 by no more than 1.0 psi for
1957 the following gasoline-ethanol blends:
- 1958 a. Outside of the CBG-covered area if the concentration of ethanol, excluding the
1959 required denaturing agent, is at least nine percent by volume and no more than
1960 the maximum concentration of ethanol as allowed by federal law;

1961 b. In area B from October 1 through March 31 if the concentration of ethanol,
1962 excluding the required denaturing agent, is at least six percent by volume and no
1963 more than 15 percent by volume.

1964 c. Inside the CBG-covered area during April only.

1965 3. Gasoline blended with no more than 15 percent by volume of ethanol shall be
1966 blended using one of the following alternatives:

1967 a. The base gasoline complies with the standards in ASTM D4814, the fuel ethanol
1968 complies with the standards in ASTM D4806, and the finished blend complies
1969 with the standards in ASTM D4814 with the following permissible exceptions:

1970 i. The distillation minimum temperature at the 50 volume percent evaporated
1971 point is not less than 66°C (150°F), and

1972 ii. The minimum test temperature at which the vapor/liquid ratio is equal to 20
1973 is waived; or

1974 b. The finished blend complies with the standards in ASTM D4814.

1975 E. Ethanol flex fuel sold or offered for sale within the CBG-covered area shall:

1976 1. Use fuel ethanol that meets the standards in this Chapter, and

1977 2. Have a maximum vapor pressure that does not exceed the maximum vapor pressure
1978 requirements in R3-7-751(A)(6).

1979 **F. E15 sold or offered for sale within the CBG-covered area shall:**

1980 **1. Use fuel ethanol that meets the standards in this Chapter, and**

1981 **2. Be blended with ethanol flex fuel that meets the requirements of subsection (E), or**

1982 **3. Be blended with Arizona CBG or AZRBOB.**

1983 **R3-7-709. Repealed**

1984 **R3-7-710. Oxygenate Blending Requirements**

1985 **A.** A person that has custody of or transports an oxygenated gasoline blend shall ensure that
1986 no neat oxygenate blending occurs in a retail storage tank at a motor fuel dispensing site
1987 or fleet vehicle fueling facility.

1988 **B.** If a motor fuel dispensing site storage tank contains an oxygenated gasoline blend that
1989 does not contain the amount of oxygen required by A.R.S. §§ 3-3491, 3-3492, 3-3495,
1990 or R3-7-751, the owner or operator of the motor fuel dispensing site shall do one of the
1991 following:

- 1992 1. Add a gasoline blend that dilutes the non-compliant oxygenated gasoline blend to the
1993 level of oxygen content required by A.R.S. §§ 3-3491, 3-3492, 3-3495, or R3-7-751;
- 1994 2. Empty the storage tank and replace the non-compliant oxygenated gasoline blend
1995 with a required oxygenate blend;
- 1996 3. Upon written permission of the associate director, add gasoline that contains no
1997 more than 20 percent by volume of the same oxygenate to the non-compliant
1998 oxygenated gasoline blend.

1999 **R3-7-711. Gasoline-Alcohol Blend Storage Tank Requirements**

2000 **A.** Before a person adds the initial gasoline-alcohol blend into a storage tank, the person
2001 shall:

- 2002 1. Test the storage tank for the presence of water and, if any water is detected, remove
2003 the water from the storage tank; and
- 2004 2. Install a fuel filter designed for use with gasoline-alcohol blends in the fuel line of
2005 all motor fuel dispensers that dispense gasoline-alcohol blends.

2006 **B.** If water is detected in a storage tank containing a gasoline-alcohol blend, the owner or
2007 operator shall empty the storage tank.

2008 **R3-7-712. Water in Motor Fuel Dispensing Site Storage Tanks**

2009 A motor fuel dispensing site owner or operator shall ensure that water in a motor fuel
2010 storage tank containing a product other than an alcohol-gasoline or a gasoline-alcohol blend,
2011 does not exceed 1" in depth when measured from the bottom of the tank through the fill
2012 pipe. The owner or operator shall remove all water from the tank before delivery or sale of
2013 motor fuel from that tank.

2014 **R3-7-713. Motor Fuel Storage Tank Labeling**

2015 **A.** An owner or operator of a motor fuel dispensing site shall ensure that all motor fuel
2016 storage tank fill pipes and gasoline vapor return lines located at the motor fuel
2017 dispensing site are labeled to identify the contents accurately as:

- 2018 1. Unleaded gasoline,
- 2019 2. Unleaded midgrade gasoline,
- 2020 3. Unleaded premium gasoline,
- 2021 4. No. 1 diesel or #1 diesel ~~fuel~~,
- 2022 5. No. 2 diesel, #2 diesel ~~fuel~~, or diesel ~~fuel~~,
- 2023 6. Premium diesel,
- 2024 7. Gasoline vapor return, gasoline vapor recovery, or vapor recovery,
- 2025 8. Biodiesel or biodiesel blend, for blends containing more than 5 percent biodiesel by
2026 volume,
- 2027 9. ~~E85 or~~ Ethanol flex fuel, ~~or~~
- 2028 ~~10. Other fuel as designated on the product transfer document.~~

- 2029 **B.** For gasoline-ethanol blends containing more than 10 but no more than 15 volume
2030 percent ethanol, storage tank labels shall describe the gasoline grade as specified in
2031 subsection (A)(1), (A)(2), and (A)(3), along with the designation “E15”.
- 2032 **C.** Any motor fuel not specified in subsection (A) shall be labeled at the storage tank fill
2033 pipe as designated on the product transfer document.
- 2034 **~~B.~~D.** An owner or operator of a motor fuel dispensing site shall ensure that the label
2035 required under subsection (A) is at least 1 1/2" x 5" in size with at least 1/4" black or
2036 white block lettering on a sharply contrasting background and that the label is clean,
2037 visible, and legible at all times. block letters on a sharply contrasting background, and
2038 with lettering no smaller than 1/4 inch in height. The label shall be clean, legible, and
2039 visible at all times.
- 2040 **~~C.~~E.** An owner or operator of a motor fuel dispensing site may display other information
2041 on the reverse side of a two-sided label.
- 2042 **~~D.~~F.** An owner or operator of a motor fuel dispensing site shall not put motor fuel into
2043 storage tanks a storage tank without attaching the proper label as specified in this
2044 Section.
- 2045 **~~E.~~G.** A person shall not deliver motor fuel to a motor fuel dispensing site unless the
2046 product transfer documents confirm the motor fuel is the correct type as indicated on the
2047 tank fill pipes labeled under subsection (A) or (B) or the product being delivered meets
2048 or exceeds the standards of the labeled product.
- 2049 **~~F.~~H.** If tank fill pipe and vapor recovery manhole covers are color-coded, the color coding
2050 shall comply with API 1637.
- 2051 **~~R3-7-714. Additional Requirements for Motor Fuels~~**

2052 **R3-7-714. Repealed.**

2053 ~~A. A person that owns or operates a motor fuel dispensing site, transmix, or production~~
2054 ~~facility outside the CBG-covered area shall ensure that a motor fuel offered for sale~~
2055 ~~meets the requirements of the applicable specifications in R3-7-702 except that the~~
2056 ~~maximum vapor pressure from May 1 through September 30 shall be 9.0 pounds per~~
2057 ~~square inch or as allowed under R3-7-708(B).~~

2058 ~~B. The owner or operator of a motor fuel dispensing site shall ensure that the finished~~
2059 ~~gasoline is visually free of water, sediment, and suspended matter and is clear and bright~~
2060 ~~at ambient temperature or 70° F (21° C), whichever is greater.~~

2061 ~~C. Prohibited activities regarding a motor fuel sold or offered for sale.~~

2062 ~~1. The owner or operator of a motor fuel dispensing site shall not sell or offer for sale~~
2063 ~~from the motor fuel dispensing site storage tank a product that is not a motor fuel.~~

2064 ~~2. The owner or operator of a motor fuel dispensing site or transmix or production~~
2065 ~~facility shall not sell or offer for sale a motor fuel that contains more than 0.3~~
2066 ~~volume percent MTBE or more than 0.1 weight percent oxygen from all other ethers~~
2067 ~~or alcohols as listed in A.R.S. § 3-3491.~~

2068 ~~3. A transporter shall not deliver to a motor fuel dispensing site or place in a motor fuel~~
2069 ~~dispensing site storage tank a product that is not motor fuel.~~

2070 ~~D. Biofuels and biofuel blends. Biofuel producers, biofuel blenders, and biofuel suppliers~~
2071 ~~and owners or operators of motor fuel dispensing sites shall comply with the~~
2072 ~~requirements in R3-7-718.~~

2073 **R3-7-715. Motor Fuel Standards and Testing Methods and Requirements**

2074 A. Unless otherwise stated in this A.R.S. Title 3, Chapter 19, or this Chapter, all motor fuel
2075 sold or offered for sale, and oxygenates blended with motor fuel, shall meet the
2076 applicable specifications in R3-7-702.

2077 B. From and after September 30 through March 31 of each year, gasoline shall meet the
2078 requirements in A.R.S. § 3-3433(E).

2079 A.C. Unless otherwise required in A.R.S. Title 3, Chapter 19, or this Chapter, the
2080 producer of a motor fuel shall test and certify the motor fuel for its motor fuel properties
2081 using the methodologies in R3-7-702.

2082 B.D. The octane rating of a motor fuel shall be determined and certified in accordance
2083 with 16 CFR 306 using the average of ASTM D2699 and ASTM D2700, also known as
2084 the (R+M)/2 method.

2085 **R3-7-716. Sampling and Access to Records**

2086 **A.** The Division shall obtain motor fuel samples for testing from:

- 2087 1. The same motor fuel dispenser used for sales to customers;
- 2088 2. The same motor fuel dispenser used for dispensing motor fuel into fleet vehicles;
- 2089 3. A bulk storage facility;
- 2090 4. A pipeline having custody of motor fuel, including Arizona CBG or AZRBOB;
- 2091 5. A transporter of motor fuel, including Arizona CBG or AZRBOB;
- 2092 6. A final distribution facility;
- 2093 7. A third-party terminal having custody of motor fuel, including Arizona CBG or
- 2094 AZRBOB;
- 2095 8. An oxygenate blender or registered supplier; or
- 2096 9. A transmix or production facility.

2097 **B.** An owner or operator of a motor fuel dispensing site, pipeline, third-party terminal, or
2098 storage, transmix, production, or distribution facility, or a transporter, registered
2099 supplier, or oxygenate blender shall maintain for five years records relating to
2100 producing, importing, blending, transporting, distributing, delivering, testing, or storing
2101 motor fuels, including Arizona CBG or AZRBOB, and shall make the records available
2102 within two business days for Division inspection upon request.

2103 **R3-7-717. Motor Fuel Dispensing Site Equipment**

2104 **A.** Hold-open latch. If an owner or operator of a motor fuel dispensing site ~~has a dispensing~~
2105 ~~device with a~~ operates a motor fuel dispenser that utilizes a nozzle equipped with a hold-
2106 open latch, the owner or operator shall ensure that the latch operates according to the
2107 manufacturer's specifications.

2108 **B.** Nozzle requirements for diesel fuel. An owner or operator of a motor fuel dispensing
2109 site ~~with a dispensing device operating a motor fuel dispenser~~ from which diesel fuel is
2110 sold at retail shall ensure that the ~~dispensing device has a~~ dispenser utilizes a diesel
2111 ~~nozzle spout with a~~ spout diameter that conforms to SAE J285, "Dispenser Nozzle
2112 Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition
2113 Engines."

2114 **C.** Motor fuel dispenser filters. An owner or operator of a motor fuel dispensing site shall
2115 ensure that:

- 2116 1. All gasoline, gasoline-alcohol blends, and ethanol flex fuel dispensers have a 10
2117 micron or smaller nominal pore-sized filter;
- 2118 2. Dispensers that dispense gasoline-alcohol blends shall have fuel filters designed for
2119 use with gasoline-alcohol blends;

2120 3. All biodiesel, biodiesel blends, diesel, and kerosene dispensers have a 30 micron or
2121 smaller nominal pore-sized filter; or

2122 4. In the event a motor fuel dispenser is not manufactured to be equipped to use fuel
2123 filters, they shall be installed in line with the fuel dispensing hose at the base of the
2124 dispenser. If this is not feasible, the motor fuel dispensing site owner may provide
2125 evidence that fuel filters cannot be installed at the site due to the configuration and
2126 apply for a waiver from these requirements from the ~~Associate Director~~ associate
2127 director.

2128 **D.** ~~From and after September 30, 2018, all~~ All retail diesel fuel dispensers shall be equipped
2129 ~~with nozzles that have a green grip guard and ethanol flex fuel dispensers shall be~~
2130 equipped with nozzles that ~~have a yellow~~ meet the grip guard color requirements in § 3-
2131 3436(B). No other nozzles shall be ~~equipment~~ equipped with these color grip guards.

2132 **E.** Motor fuel dispensers shall meet appropriate UL ratings and be compatible with the
2133 motor fuel being dispensed.

2134 **R3-7-718. Additional Requirements for Production, Transport, Distribution, and Sale**
2135 **of Biofuels and Biofuel Blends**

2136 ~~**A.** Registration and reporting requirements for biofuel blenders, biofuel producers, and~~
2137 ~~biofuel suppliers of biofuel or biofuel blends in Arizona.~~

2138 ~~1. Registration requirement.~~

2139 ~~a. A biofuel producer, biofuel supplier, or biofuel blender shall register with the~~
2140 ~~associate director, using a form prescribed by the associate director, before~~
2141 ~~producing or supplying biofuel or biofuel blend in Arizona.~~

2142 ~~b. A person required to register under subsection (A)(1)(a) shall notify the associate~~
2143 ~~director within 10 days after the effective date of a change in any of the~~
2144 ~~information provided under subsection (A)(1)(a).~~

2145 ~~c. If a biofuel producer, biofuel supplier, or biofuel blender fails to register under~~
2146 ~~subsection (A)(1)(a), the associate director shall take action as allowed under~~
2147 ~~A.R.S. § 3-3475 and R3-7-762.~~

2148 ~~d. The Division shall maintain and make available to the public a list of all persons~~
2149 ~~registered under this Section.~~

2150 ~~2. Reporting requirement.~~

2151 ~~a. A person required to register under subsection (A)(1)(a) shall report to the~~
2152 ~~Division by January 30th of each year for the previous calendar year. The person~~
2153 ~~shall:~~

2154 ~~i. Report on a form or in a format prescribed by the associate director;~~

2155 ~~ii. Provide the total amount of biofuel or biofuel blend produced or supplied for~~
2156 ~~the previous calendar year, including the total amount of each blend~~
2157 ~~component;~~

2158 ~~iii. Attest to the truthfulness and accuracy of the information submitted; and~~

2159 ~~iv. Ensure that the report form is signed or submitted electronically by a~~
2160 ~~corporate officer, or the officer's designee, responsible for operations at the~~
2161 ~~facility at or from which the biofuel or biofuel blend was produced or~~
2162 ~~supplied.~~

2163 ~~b. The Division shall classify the information submitted under subsection (A)(2)(a)~~
2164 ~~as confidential and protected under A.R.S. § 44-1374 if the person that submits~~
2165 ~~the information expressly designates the information as confidential.~~

2166 **A. Biofuel blenders, biofuel producers, and biofuel suppliers of biofuels or biofuel blends**
2167 **in Arizona shall meet the following requirements:**

2168 1. Register with the Environmental Protection Agency under 40 CFR 80.1450 or 40
2169 CFR 1090, subpart I, as they existed on December 4, 2020.

2170 2. Upon request by the associate director, report the total volume of biofuel or biofuel
2171 blends produced or supplied for the previous calendar year, including the total
2172 volume of each blend component. The report shall be provided to the Division
2173 within 15 days of the request. Any information reported to the Division shall remain
2174 confidential under A.R.S. § 44-1374.

2175 **B. Quality Assurance and Quality Control (QA/QC) program requirements.**

2176 1. A biofuel producer or biofuel blender shall implement a QA/QC program to ensure
2177 the quality of a biofuel or biofuel blend produced in or supplied in or into Arizona;

2178 2. The QA/QC program implemented by a biofuel producer shall include the following
2179 minimum requirements:

2180 a. A sampling and testing program to certify that the biofuel meets applicable
2181 ASTM requirements. All samples shall be collected following addition of any
2182 applicable blend components in accordance with ASTM methods. The plan shall
2183 include a policy for sample retention;

2184 b. A Certificate of Analysis with a unique identification number generated for each
2185 batch produced and indicated on the product transfer document;

- 2186 c. The Certificate of Analysis required under subsection (B)(2)(b) and any other
2187 supporting sampling and testing documentation required under this Section is
2188 made available to the Division within 24 hours of a request; and
- 2189 d. Any storage tank containing biofuel that is inactive for more than 30 days is
2190 resampled and analyzed to verify the fuel meets ASTM standards.
- 2191 3. The QA/QC program implemented by a biofuel blender shall include the following
2192 minimum requirements:
- 2193 a. Retention of:
- 2194 i. Documentation that demonstrates the applicable biofuel blend components
2195 were received from a facility registered with the EPA under ~~40 CFR 80,~~
2196 subpart K or M 40 CFR 80.1450 or 40 CFR 1090, subpart I;
- 2197 ii. Certificates of Analysis for the biofuel used as a blend component in the
2198 blending process; and
- 2199 iii. Documentation such as a product transfer document that demonstrates the
2200 diesel fuel used in the blending process meets the requirements of ASTM
2201 D975;
- 2202 b. For biodiesel blending, all diesel fuel used as a blend component is analyzed to
2203 verify the biodiesel content before blending if the initial volume percent of
2204 biodiesel content in the diesel fuel component is unknown; alternatively, for
2205 biodiesel blends blended at a motor fuel dispensing site, the biofuel blender may
2206 assume the diesel contains 5% biodiesel and prepare and maintain calculations
2207 demonstrating the biodiesel content of the final biodiesel blend if it is advertised

2208 to consumers as a B6 to B20 biodiesel blend and the calculations demonstrate the
2209 biodiesel blend will be compliant with the biodiesel content advertised;

2210 c. Any storage tank containing biofuel that is inactive for more than 30 days is
2211 resampled and analyzed to verify the fuel meets ASTM standards; and

2212 d. All biodiesel used as a blend component in biodiesel blends consists of at least
2213 99 percent biodiesel unless approved by the Division.

2214 4. All records required under this subsection are maintained either onsite or at an
2215 offsite location for at least five years and made available to the Division upon
2216 request.

2217 5. In the event the Division identifies biofuel or biofuel blends that do not meet ASTM
2218 requirements, the producer or biofuel blender shall evaluate the QA/QC program and
2219 make any additional changes that may be required to bring the fuel into compliance.

2220 ~~C. Ethanol flex fuel sold or offered for sale within the CBG covered area shall:~~

2221 ~~1. Use fuel ethanol that meets the standards in this Chapter, and~~

2222 ~~2. Have a maximum vapor pressure that does not exceed the maximum vapor pressure~~
2223 ~~requirements in R3-7-751(A)(6).~~

2224 ~~D. Requirements for motor fuel dispensing sites. The owner or operator of a motor fuel~~
2225 ~~dispensing site at which ethanol flex fuel is dispensed shall ensure that any ethanol flex~~
2226 ~~fuel, biodiesel or biodiesel blend sold, offered or exposed for sale, or dispensed was~~
2227 ~~received from and traceable to a person registered with the Division under subsection~~
2228 ~~(A)(1) and the Environmental Protection Agency under 40 CFR 80, subparts K or M.~~

2229 E.C. Exemptions

2230 ~~1. A biofuel producer, biofuel supplier, or biofuel blender located outside of Arizona~~
2231 ~~and supplying biofuel to a registered biofuel producer, biofuel supplier, or biofuel~~
2232 ~~blender located within Arizona is not required to register under subsection (A)(1)(a);~~

2233 2.1. A producer, supplier, or blender of diesel fuel containing five percent by volume
2234 or less biodiesel is exempt from this Section if the following conditions are met:

2235 a. The diesel fuel meets the standards of ASTM D975; and

2236 b. If the initial volume percent of biodiesel content is unknown, the person blending
2237 the biodiesel into diesel fuel analyzes the diesel fuel to verify the initial biodiesel
2238 content and ensure the resulting blend meets the requirements in ASTM D975.

2239 3.2. A biofuel producer, biofuel supplier, or biofuel blender who produces, supplies,
2240 or blends diesel fuel blended with a biomass-based diesel where the resulting fuel
2241 meets the requirements in ASTM D975 is exempt from this section.

2242 4.3. Gasoline containing up to ~~40~~15 percent ethanol is exempt from this section.

2243 **R3-7-719. Repealed**

2244 **R3-7-720. Renumbered**

2245 **R3-7-721. Renumbered**

2246 **R3-7-722. Reserved**

2247 **R3-7-723. Reserved**

2248 **R3-7-724. Reserved**

2249 **R3-7-725. Reserved**

2250 **R3-7-726. Reserved**

2251 **R3-7-727. Reserved**

2252 **R3-7-728. Reserved**

2253 **R3-7-729. Reserved**

2254 **R3-7-730. Reserved**

2255 **R3-7-731. Reserved**

2256 **R3-7-732. Reserved**

2257 **R3-7-733. Reserved**

2258 **R3-7-734. Reserved**

2259 **R3-7-735. Reserved**

2260 **R3-7-736. Reserved**

2261 **R3-7-737. Reserved**

2262 **R3-7-738. Reserved**

2263 **R3-7-739. Reserved**

2264 **R3-7-740. Reserved**

2265 **R3-7-741. Reserved**

2266 **R3-7-742. Reserved**

2267 **R3-7-743. Reserved**

2268 **R3-7-744. Reserved**

2269 **R3-7-745. Reserved**

2270 **R3-7-746. Reserved**

2271 **R3-7-747. Reserved**

2272 **R3-7-748. Reserved**

2273 **R3-7-749. Definitions Applicable to Arizona CBG and AZRBOB**

2274 The following definitions apply only to R3-7-750 through R3-7-762, including Tables A, 1,

2275 and 2:

2276 “Designated alternative limit” means a ~~motor~~ fuel property specification, expressed in the
2277 nearest part per million by weight for sulfur content, nearest 10th percent by volume for
2278 aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and
2279 nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a
2280 final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the
2281 Predictive Model Procedures.

2282 ~~“Downstream oxygenate blending” means combining AZRBOB and an oxygenate to~~
2283 ~~produce fungible Arizona CBG.~~

2284 “Importer” means any person that assumes title or ownership of Arizona CBG or AZRBOB
2285 produced by an unregistered supplier.

2286 “Oxygenate-blending facility” means any location (including, but not limited to, a truck)
2287 where an oxygenate or oxygenate blend (including ethanol flex fuel) is added to Arizona
2288 CBG or AZRBOB and the resulting quality or quantity of, and nothing further is added to
2289 the resulting Arizona CBG is not altered in any other manner except for the addition of a
2290 deposit-control or similar additive registered under 40 CFR 79. An oxygenate-blending
2291 facility includes a facility that recertifies Arizona CBG under R3-7-755(F).

2292 “Oxygenated Arizona CBG” means Arizona CBG with a maximum oxygen content of 4.0
2293 wt. percent or another oxygen content approved by the associate director under A.R.S. § 3-
2294 3493, that is produced and shipped to or within Arizona and sold or offered for sale for use
2295 in motor vehicles in the CBG-covered area from November 1 through March 31 of each
2296 year.

2297 “Performance standard” means the VOC and NOx emission reduction percentages in R3-7-
2298 751(A)(8) and ~~Table 4~~ R3-7-751(C)(1).

2299 “PM” or “Predictive Model Procedures” means the California Predictive Model and
2300 CARB's “California Procedures for Evaluating Alternative Specifications for Phase 2
2301 Reformulated Gasoline Using the California Predictive Model,” as adopted April 20, 1995,
2302 which is incorporated by reference in R3-7-702.

2303 “PM alternative gasoline formulation” means a final blend of Arizona CBG or AZRBOB
2304 that is subject to a set of PM alternative specifications.

2305 “PM alternative specifications” means the specifications for the following fuel properties, as
2306 determined using a testing methodology in R3-7-759:

2307 Maximum vapor pressure, expressed in the nearest 100th of a pound per square inch;

2308 Maximum sulfur content, expressed in the nearest part per million by weight;

2309 Maximum olefin content, expressed in the nearest 10th of a percent by volume;

2310 Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by
2311 weight;

2312 Maximum T50, expressed in the nearest degree Fahrenheit;

2313 Maximum T90, expressed in the nearest degree Fahrenheit; and

2314 Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by
2315 volume.

2316 ~~“PM averaging compliance option” means, with reference to a specific fuel property, the~~
2317 ~~compliance option for PM alternative gasoline formulations by which final blends of~~
2318 ~~Arizona CBG and AZRBOB are assigned designated alternative limits under R3-7-751(G),~~
2319 ~~(H), and (I).~~

2320 ~~“PM averaging limit” means a PM alternative specification that is subject to the PM~~
2321 ~~averaging compliance option.~~

2322 “PM flat limit” means a PM alternative specification that is subject to the PM flat limit
2323 compliance option.

2324 “PM flat limit compliance option” means, with reference to a specific fuel property, the
2325 compliance option that each gallon of gasoline must meet for that specified fuel property as
2326 contained in the PM alternative specifications.

2327 “Produce” means:

2328 Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or
2329 AZRBOB into Arizona CBG or AZRBOB.

2330 If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG
2331 or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or
2332 AZRBOB, the person conducting the blending produces only the portion of the blend
2333 not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or
2334 AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article,
2335 without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is
2336 not a producer of Arizona CBG or AZRBOB.

2337 If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to
2338 further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as
2339 the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona
2340 CBG or AZRBOB.

2341 ~~If an oxygenate blender blends oxygenates or ethanol flex fuel into AZRBOB~~
2342 ~~supplied from a gasoline production or import facility, and does not alter the quality~~
2343 ~~or quantity of the nothing further is added to the AZRBOB or the quality or quantity~~
2344 ~~of the resulting Arizona CBG certified by a registered supplier in any other manner~~
2345 ~~except for the addition of a deposit-control or similar additive, the producer or~~
2346 ~~importer of the AZRBOB, rather than the oxygenate blender, is considered the~~
2347 ~~producer or importer of the full volume of the resulting Arizona CBG.~~

2348 “Registered supplier” means a producer or importer that supplies Arizona CBG or
2349 AZRBOB and is registered with the associate director under R3-7-750.

2350 “Third-party terminal” means an owner or operator of a gasoline storage tank facility that
2351 accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered
2352 supplier, oxygenate blender, pipeline, or other third-party terminal and relinquishes custody
2353 of the Arizona CBG or AZRBOB to a transporter or other terminal.

2354 “Type 1 Arizona CBG” means a gasoline that meets the standards contained in R3-7-751(A)
2355 and ~~Table 1~~ R3-7-751(C)(1).

2356 “Type 2 Arizona CBG” means a gasoline that meets the standards contained in ~~Table 2 or is~~
2357 ~~certified using the PM according to the requirements of R3-7-751(G), (H), and (I)~~ R3-7-
2358 751(C)(2), and meets the requirements in:

2359 R3-7-751(A) beginning April 1 through October 31 of each year, and

2360 R3-7-751(B) beginning November 1 through March 31 of each year.

2361 “Winter” means November 1 through March 31.

2362 **R3-7-750. Registration Relating to Arizona CBG or AZRBOB**

2363 **A.** ~~Each of~~ For each physical location, the following shall register with the associate
2364 director before producing, importing, or obtaining custody of Arizona CBG or
2365 AZRBOB:

- 2366 1. A refiner or **CBG** blender that produces Arizona CBG or AZRBOB;
- 2367 2. An importer that imports Arizona CBG or AZRBOB;
- 2368 3. An oxygenate blender that blends oxygenate with AZRBOB to produce Arizona
2369 CBG; or
- 2370 4. A pipeline or third-party terminal that has custody of Arizona CBG or AZRBOB.

2371 **B.** A person listed in subsection (A) shall register on a form prescribed by the associate
2372 director and include the following information:

- 2373 1. Business name, business address, and contact name or position title and telephone
2374 number;
- 2375 2. ~~For each refinery or oxygenate blending facility, the~~ The facility name, physical
2376 location, contact name or position title and telephone number, and type of facility;

2377 3. ~~For each refinery, oxygenate blending facility, or importer:~~ a.—The location of the
2378 records required under this Article. If records are kept off-site, the primary off-site
2379 storage facility name, physical location, and contact name or position title and
2380 telephone number; and

2381 ~~b.4.~~ If an independent laboratory is used to meet the requirements of R3-7-752(F),
2382 the name and address of the independent laboratory, and contact name or position
2383 title and telephone number;

2384 ~~4.5.~~ If required under ~~40 CFR 80.76(d)~~ 40 CFR § 1090.800, the EPA registration
2385 number; and

2386 ~~5.6.~~ A statement of consent permitting the Division or its authorized agent to collect
2387 samples and access records as provided in R3-7-716.

2388 C. A person registered under subsection (B) shall notify the associate director within 10
2389 days after the effective date of a change in any of the information provided under
2390 subsection (B).

2391 D. If a refiner, ~~importer~~ **CBG blender**, ~~or oxygenate blender, or importer~~ fails to register
2392 under this Section, all Arizona CBG or AZRBOB, which is produced by the refiner,
2393 blender, or oxygenate blender, or imported by the importer, and which is transported to
2394 the CBG-covered area, is presumed to be noncompliant from the date that registration
2395 should have occurred.

2396 E. The Division shall maintain a list of all registered suppliers.

2397 **R3-7-751. Arizona CBG Requirements**

2398 A. General fuel property and performance requirements. In addition to the other
2399 requirements of this Article and except as provided in subsection (B), all Arizona CBG

2400 shall meet the following requirements and for any fuel property not specified, shall meet
2401 the requirements in ASTM D4814. The dates in this ~~subsection~~Section are compliance
2402 dates for the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling
2403 facility.

- 2404 1. Sulfur: 95 ppm by weight (max).
- 2405 2. Aromatics: 50 percent by volume (max).
- 2406 3. Olefins: 25 percent by volume (max).
- 2407 4. E200: 70-30 percent volume.
- 2408 5. E300: 100-70 percent volume.
- 2409 6. Maximum vapor pressure:
 - 2410 a. October: 9.0 psi.
 - 2411 b. November 1 - March 31: 9.0 psi.
 - 2412 c. April: 10.0 psi.
 - 2413 d. May: 9.0 psi.
 - 2414 e. June 1 - September 30: 7.0 psi.
 - 2415 f. A ~~gasoline-ethanol~~gasoline-ethanol blend in the CBG-covered area is subject to
2416 the 1 psi vapor pressure waiver, as described in ~~R3-7-708(B)~~R3-7-708(D)(2),
2417 during April only.
- 2418 7. Oxygen and oxygenates:
 - 2419 a. Minimum content:
 - 2420 i. November 1 - March 31: 10 percent ~~fuel~~fuel ethanol by volume or 12.5 percent
2421 isobutanol by volume. If A.R.S. § 3-3493(C) petition is in effect: 2.7 percent
2422 oxygen by weight as approved by the associate director.

- 2423 ii. April 1 - October 31: 0 percent by weight (any oxygenate).
- 2424 b. The maximum oxygen content shall not exceed ~~4.0~~5.8 percent by weight for **fuel**
- 2425 ethanol and shall not exceed the amount allowed by EPA waivers under Section
- 2426 211(f) of the Clean Air Act for other oxygenates. Additionally, the oxygen
- 2427 content shall comply with the requirements of A.R.S. § 3-3491 and § 3-3492.
- 2428 c. Arizona CBG shall not contain more than 0.3 volume percent MTBE nor more
- 2429 than 0.1 weight percent oxygen from all other ethers or alcohols listed in A.R.S.
- 2430 § 3-3491.
- 2431 8. **Type 1 Arizona CBG shall meet the Federal Complex Model VOC emissions**
- 2432 **reduction percentage May 1 through September 15: 27.5 percent (Federal Complex**
- 2433 **Model settings: Summer, Area Class B, Phase 2). Type 2 Arizona CBG shall meet**
- 2434 **CARB Phase 2 requirements.**
- 2435 **B. ~~Wintertime~~Winter requirements.** In addition to the other requirements of this Article, the
- 2436 owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility shall
- 2437 ensure that beginning November 1 through March 31 of each year, all Arizona CBG
- 2438 meets the following fuel property requirements.
- 2439 1. Sulfur: 80 ppm by weight (max),
- 2440 2. Aromatics: 30% by volume (max),
- 2441 3. Olefins: 10% by volume (max),
- 2442 4. 90% Distillation Temp. (T90): 330° F (max),
- 2443 5. 50% Distillation Temp. (T50): 220° F (max),
- 2444 6. Vapor Pressure: 9.0 psi (max), and
- 2445 7. Oxygenate;

- 2446 a. Minimum oxygenate content - 10 percent fuel ethanol by volume or 12.5 percent
2447 isobutanol by volume;
- 2448 b. Maximum oxygen content - 4.0-5.8 percent oxygen by weight, and shall comply
2449 with the requirements of A.R.S. § 3-3492; and
- 2450 c. Alternative minimum fuel ethanol or isobutanol content may be used if approved
2451 by the associate director under A.R.S. § 3-3493(C).

2452 ~~C. Fuel ethanol and other oxygenate specifications. A person that uses fuel ethanol or other~~
2453 ~~oxygenates as a blending component with AZRBOB or Arizona CBG shall ensure that~~
2454 ~~the fuel ethanol or other oxygenates meet the following requirements:~~

- 2455 ~~1. A sulfur content not exceeding 10 ppm by weight;~~
- 2456 ~~2. The fuel ethanol or other oxygenate must be composed solely of carbon, hydrogen,~~
2457 ~~nitrogen, oxygen, and sulfur;~~
- 2458 ~~3. For fuel ethanol, only gasoline previously certified under 40 CFR Part 80 (including~~
2459 ~~previously certified blendstocks for oxygenate blending), gasoline blendstocks, or~~
2460 ~~natural gas liquids may be used as denaturants; and~~
- 2461 ~~4. For fuel ethanol, the concentration of all denaturants is limited to a maximum of 3.0~~
2462 ~~volume percent.~~

2463 C. Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier
2464 shall certify Arizona CBG or AZRBOB under R3-7-752, using the test methods
2465 specified in R3-7-759. Type 1 Arizona CBG or Type 2 Arizona CBG shall be certified
2466 with the addition of 10 volume percent ethanol or an oxygen content of 2.7 percent by
2467 weight for other oxygenates. A PM alternative gasoline formulation shall be certified
2468 with an oxygen content of 1.8 to 2.2 percent by weight as outlined in subsection (I).

2469 ~~D. General elections. Except as provided in subsection (E), a registered supplier shall make~~
2470 ~~an initial election, and a subsequent election each time a change occurs, before~~
2471 ~~beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the~~
2472 ~~election with the associate director on a form or in a format prescribed by the associate~~
2473 ~~director. The election shall state:~~

2474 ~~1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB~~
2475 ~~is certified) will supply Arizona CBG or AZRBOB that complies with Type 1~~
2476 ~~Arizona CBG, Type 2 Arizona CBG, or the PM alternative gasoline formulation~~
2477 ~~requirements and, if the registered supplier will supply Arizona CBG or AZRBOB~~
2478 ~~that complies with the PM alternative gasoline formulation requirements, whether~~
2479 ~~the registered supplier will certify using the CARB Phase 2 model; and~~

2480 ~~2. For each applicable fuel property or performance standard in the election under~~
2481 ~~subsection (D)(1), whether the Arizona CBG or AZRBOB will comply with the~~
2482 ~~average standards or per gallon standards. A registered supplier shall not elect to~~
2483 ~~comply with average standards unless the registered supplier is in compliance with~~
2484 ~~R3-7-760. A registered supplier shall not elect to comply with Type 1 Arizona CBG~~
2485 ~~average standards in Table 1, columns B and C, from September 16 through October~~
2486 ~~31 and February 1 through April 30.~~

2487 D. In addition to the standards in subsections (A) and (B), Type 1 Arizona CBG and Type 2
2488 Arizona CBG shall be certified meeting the following standards:

2489 1. Type 1 standards. For each fuel property, Type 1 Arizona CBG shall comply with
2490 the following per gallon standards, and shall be certified using the Federal Complex
2491 Model, which is incorporated by reference in R3-7-702:

2492 a. Federal Complex Model VOC Emission Reduction: 27.5% (min) May 1 through
2493 September 15.

2494 b. Federal Complex Model NOx Emission Reduction: 5.5% (min) May 1 through
2495 September 15.

2496 c. Federal Complex Model NOx Emission Reduction: 0.0% (min) September 16
2497 through October 31 and February 1 through April 30.

2498 2. Type 2 standards. For each fuel property, Type 2 Arizona CBG shall comply with
2499 the following maximum per gallon standards or a PM alternative gasoline
2500 formulation:

2501 a. Maximum per gallon standards.

2502 i. Sulfur: 40 ppm by weight (max)

2503 ii. Aromatics: 25.0% by volume (max)

2504 iii. Olefins: 6.0 percent by volume (max)

2505 iv. 90% distillation temperature (T90): 300 °F (max)

2506 v. 50% distillation temperature (T50): 210 °F (max)

2507 b. PM alternative gasoline formulation. The PM alternative gasoline formulation
2508 shall meet the requirements of subsections (G) through (I), and the per gallon
2509 standards in R3-7-751(A) beginning April 1 through October 31 of each year,
2510 and R3-7-751(B) beginning November 1 through March 31 of each year.

2511 ~~E. Winter elections. Beginning November 1 through March 31 of each year, a registered~~
2512 ~~supplier shall ensure that all Arizona CBG or AZRBOB complies with Type 2 Arizona~~
2513 ~~CBG requirements or the PM alternative gasoline formulation requirements under Table~~
2514 ~~2. A registered supplier shall make an initial election, and a subsequent election each~~

2515 ~~time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A~~
2516 ~~registered supplier shall make the election with the associate director on a form or in a~~
2517 ~~format prescribed by the associate director. The election shall state:~~
2518 ~~1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB~~
2519 ~~is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2~~
2520 ~~Arizona CBG or the PM alternative gasoline formulation requirements; and~~
2521 ~~2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will~~
2522 ~~comply with the average standards or per-gallon standards.~~
2523 E. A registered supplier may produce Type 1 Arizona CBG from December 1 through
2524 March 31 but the registered supplier shall not distribute the Arizona CBG to a motor
2525 fuel dispensing site within the CBG-covered area before April 1. A registered supplier
2526 may produce and distribute Type 2 Arizona CBG year-round.
2527 ~~F. A registered supplier may elect and produce Type 1 Arizona CBG from December 1~~
2528 ~~through March 31 but the registered supplier shall not distribute the Arizona CBG to a~~
2529 ~~motor fuel dispensing site within the CBG-covered area before April 1.~~
2530 F. Beginning November 1 through March 31 of each year, a registered supplier shall ensure
2531 that all Arizona CBG or AZRBOB complies with Type 2 Arizona CBG requirements or
2532 the PM alternative gasoline formulation requirements.
2533 ~~G. Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier~~
2534 ~~shall certify Arizona CBG or AZRBOB under R3-7-752 as meeting all requirements of~~
2535 ~~the election made in subsection (D) or (E). For each fuel property, Type 1 Arizona CBG~~
2536 ~~shall comply with the requirements in either column A or columns B through D of Table~~
2537 ~~1, and shall be certified using the Federal Complex Model, which is incorporated by~~

2538 ~~reference in R3-7-702. For each fuel property, Type 2 Arizona CBG shall comply with~~
2539 ~~the requirements of columns A and B (averaging option), or column C in Table 2 or a~~
2540 ~~PM alternative gasoline formulation. The PM alternative gasoline formulation shall meet~~
2541 ~~the requirements of subsections (H), (I), and (J), and column A of Table 2. A registered~~
2542 ~~supplier may shall certify Arizona CBG or AZRBOB using an equivalent the test~~
2543 ~~method methods that the Division approves using the criteria stated specified in R3-7-~~
2544 ~~759.~~

2545 G. Certification and use of Predictive Model for alternative PM gasoline formulations.

2546 1. Except as provided in subsection (I), a registered supplier shall use the PM as
2547 provided in the Predictive Model Procedures.

2548 2. A registered supplier shall certify a PM alternative gasoline formulation with the
2549 associate director on a form prescribed by, or in a format acceptable to, the associate
2550 director, of:

2551 a. The PM alternative specifications that apply to the final blend; and

2552 b. The numerical values for percent change in emissions for oxides of nitrogen and
2553 hydrocarbons determined in accordance with the Predictive Model Procedures.

2554 3. A registered supplier shall deliver the certification required under subsection (G)(2)
2555 to the associate director within 3 business days of transporting the PM alternative
2556 gasoline formulation. The registered supplier shall have a written process that is
2557 followed to verify the PM alternative gasoline formulation meets the applicable PM
2558 alternative specifications prior to transport.

2559 4. If a registered supplier notifies the associate director under subsection (G)(3) that a
2560 final blend of Arizona CBG is sold or supplied from a production or import facility

2561 as a PM alternative gasoline formulation, all final blends of Arizona CBG or
2562 AZRBOB subsequently sold or supplied from that production or import facility are
2563 subject to the same PM alternative specifications until the registered supplier either:

2564 a. Designates a final blend at that facility as a PM alternative gasoline formulation
2565 subject to different PM alternative specifications; or

2566 b. Chooses to certify a final blend at that facility subject to a flat limit compliance
2567 option.

2568 ~~H. Certification and use of Predictive Model for alternative PM gasoline formulations.~~

2569 ~~1. Except as provided in subsections (H)(4) and (J), a registered supplier shall use the~~
2570 ~~PM as provided in the Predictive Model Procedures.~~

2571 ~~2. A registered supplier shall certify a PM alternative gasoline formulation with the~~
2572 ~~associate director by either:~~

2573 a. ~~Submitting to the associate director a complete copy of the documentation~~
2574 ~~provided to the executive officer of CARB according to 13 California Code of~~
2575 ~~Regulations, Section 2264 and subsection (J); or~~

2576 b. ~~Notifying the associate director, on a form prescribed by or in a format~~
2577 ~~acceptable to the associate director, of:~~

2578 i. ~~The PM alternative specifications that apply to the final blend, including for~~
2579 ~~each specification whether it is a PM flat limit or a PM averaging limit; and~~

2580 ii. ~~The numerical values for percent change in emissions for oxides of nitrogen~~
2581 ~~and hydrocarbons determined in accordance with the Predictive Model~~

2582 ~~Procedures.~~

- 2583 ~~3. A registered supplier shall deliver the certification required under subsection (H)(2) to~~
2584 ~~the associate director before transporting the PM alternative gasoline formulation.~~
- 2585 ~~4. Restrictions for elections to sell or supply final blends as PM alternative gasoline~~
2586 ~~formulations.~~
- 2587 ~~a. A registered supplier shall not make a new election to sell or supply from its~~
2588 ~~production or import facility a final blend of Arizona CBG as a PM alternative~~
2589 ~~gasoline formulation if the registered supplier has an outstanding requirement~~
2590 ~~under subsection (K) to provide offsets for fuel properties at the same production~~
2591 ~~or import facility.~~
- 2592 ~~b. If a registered supplier elects to sell or supply from its production or import~~
2593 ~~facility a final blend of Arizona CBG as a PM alternative gasoline formulation~~
2594 ~~subject to a PM averaging compliance option for one or more fuel properties, the~~
2595 ~~registered supplier shall not elect any other compliance option, including another~~
2596 ~~PM alternative gasoline formulation, if an outstanding requirement to provide~~
2597 ~~offsets for fuel properties exists under the provisions of subsection (K). This~~
2598 ~~subsection does not preclude a registered supplier from electing another PM~~
2599 ~~alternative gasoline formulation if:~~
- 2600 ~~i. The PM flat limit for one or more fuel properties is changed to a PM~~
2601 ~~averaging limit, or a single PM averaging limit for which there is no~~
2602 ~~outstanding requirement to provide offsets is changed to a PM flat limit;~~
- 2603 ~~ii. There are no changes to the PM alternative specifications for remaining~~
2604 ~~fuel properties; and~~

- 2605 ~~iii. The new PM alternative formulation meets the criteria in the Predictive~~
2606 ~~Model Procedures.~~
- 2607 ~~e. If a registered supplier elects to sell or supply from the registered supplier's~~
2608 ~~production or import facility a final blend of Arizona CBG as a PM~~
2609 ~~alternative gasoline formulation, the registered supplier shall not use a~~
2610 ~~previously assigned designated alternative limit for a fuel property to provide~~
2611 ~~offsets under subsection (K).~~
- 2612 ~~d. If a registered supplier notifies the associate director under subsection (D) or~~
2613 ~~(E) that a final blend of Arizona CBG is sold or supplied from a production~~
2614 ~~or import facility as a PM alternative gasoline formulation, all final blends of~~
2615 ~~Arizona CBG or AZRBOB subsequently sold or supplied from that~~
2616 ~~production or import facility are subject to the same PM alternative~~
2617 ~~specifications until the registered supplier either:~~
- 2618 ~~i. Designates a final blend at that facility as a PM alternative gasoline~~
2619 ~~formulation subject to different PM alternative specifications; or~~
- 2620 ~~ii. Elects, under subsection (D) or (E), a final blend at that facility subject to~~
2621 ~~a flat limit compliance option or an averaging compliance option.~~

2622 H. Prohibited activities regarding PM alternative gasoline formulations. A registered
2623 supplier shall not sell, offer for sale, supply, or offer to supply from the registered
2624 supplier's production or import facility Arizona CBG that is reported as a PM alternative
2625 gasoline formulation under R3-7-752 if any of the following occur:

2626 1. The PM alternative specifications do not meet the criteria for approval in the
2627 Predictive Model Procedures, or

- 2628 2. The gasoline fails to conform to any PM flat limit in the PM alternative
2629 specifications. A registered supplier may not use an average compliance option in
2630 the PM alternative specifications.
- 2631 ~~I. Prohibited activities regarding PM alternative gasoline formulations. A registered~~
2632 ~~supplier shall not sell, offer for sale, supply, or offer to supply from the registered~~
2633 ~~supplier's production or import facility Arizona CBG that is reported as a PM alternative~~
2634 ~~gasoline formulation under R3-7-752 if any of the following occur:~~
- 2635 ~~1. The elected PM alternative specifications do not meet the criteria for approval in the~~
2636 ~~Predictive Model Procedures,~~
- 2637 ~~2. The registered supplier is prohibited by subsection (H)(4)(a) from electing to sell or~~
2638 ~~supply the gasoline as a PM alternative gasoline formulation,~~
- 2639 ~~3. The gasoline fails to conform with any PM flat limit in the PM alternative~~
2640 ~~specifications election, or~~
- 2641 ~~4. With respect to any fuel property for which the registered supplier elects a PM~~
2642 ~~averaging limit:~~
- 2643 ~~a. The gasoline exceeds the applicable PM average limit in Table 2, column B, and~~
2644 ~~no designated alternative limit for the fuel property is established for the gasoline~~
2645 ~~in accordance with subsection (H)(2); or~~
- 2646 ~~b. A designated alternative limit for the fuel property is established for the gasoline~~
2647 ~~in accordance with subsection (H)(2), and either the gasoline exceeds the~~
2648 ~~designated alternative limit for the fuel property or the designated alternative~~
2649 ~~limit for the fuel property exceeds the PM averaging limit and the exceedance is~~
2650 ~~not fully offset in accordance with subsection (K).~~

2651 I. Oxygen content requirements for PM alternative gasoline formulations. A registered
2652 supplier shall ensure that from November 1 through March 31, all alternative PM
2653 gasoline formulations comply with oxygen content requirements for the CBG-covered
2654 area. Regardless of the oxygen content, a registered supplier shall certify the final
2655 alternative PM gasoline formulation using the PM with a minimum oxygen content of
2656 1.8 percent by weight and a maximum oxygen content of 2.2 percent by weight. A
2657 registered supplier may use the CARBOB Model as a substitute for the preparation of a
2658 ethanol hand blend and use the fuel qualities calculated under the CARBOB Model for
2659 compliance and reporting purposes.

2660 ~~J. Oxygen content requirements for PM alternative gasoline formulations. A registered~~
2661 ~~supplier shall ensure that from November 1 through March 31, all alternative PM~~
2662 ~~gasoline formulations comply with oxygen content requirements for the CBG-covered~~
2663 ~~area. Regardless of the oxygen content, a registered supplier shall certify the final~~
2664 ~~alternative PM gasoline formulation using the PM with a minimum oxygen content of~~
2665 ~~2.0 percent by weight. A registered supplier may use the CARBOB Model as a~~
2666 ~~substitute for the preparation of a fuel ethanol hand blend and use the fuel qualities~~
2667 ~~calculated under the CARBOB Model for compliance and reporting purposes.~~

2668 J. Rounding of values shall be conducted following 40 CFR 1090.50.

2669 ~~K. Offsetting fuel properties and performance standards. A registered supplier that elects to~~
2670 ~~comply with the averaging standards for any of the fuel properties or performance~~
2671 ~~standards contained in Tables 1 and 2, or the PM, shall, from a single production or~~
2672 ~~import facility, complete physical transfer of certified Arizona CBG or AZRBOB in~~

2673 sufficient quantity to offset the amount by which the Arizona CBG or AZRBOB exceeds
2674 the averaging standard according to the following schedule:

2675 1. A registered supplier that elects to comply with the averaging standards contained in
2676 Table 2 or the PM shall offset each exceeded average standard within 90 days before
2677 or after beginning to transport any final blend of Arizona CBG or AZRBOB from
2678 the production or import facility;

2679 2. A registered supplier that elects to comply with the averaging standard for the VOC
2680 Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of
2681 the standard that occurs from May 1 through September 15 during that same period;
2682 and

2683 3. A registered supplier that elects to comply with the averaging standard for the NO_x
2684 Emission Reduction Percentage contained in Table 1, column B, shall offset an
2685 exceedance of the standard that occurs from May 1 through September 15 during
2686 that same period.

2687 ~~L. Consequence of failure to comply with averages.~~

2688 1. In addition to a penalty under R3 7 762, if any, a registered supplier that fails to
2689 comply with a requirement of subsection (K) shall meet the applicable per-gallon
2690 standards contained in Table 1, Table 2, or an alternative PM gasoline formulation,
2691 for a probationary period as follows:

2692 a. For a registered supplier that elects to comply with the standards contained in
2693 Table 1, the probationary period begins on the first day of the next averaging
2694 season and ends on the last day of that averaging season if the conditions of
2695 subsection (L)(2) are met;

- 2696 ~~b. For a registered supplier that elects to comply with the standards contained in~~
2697 ~~Table 2 or the PM, the probationary period begins no later than 90 days after the~~
2698 ~~registered supplier determines, or receives a notice from the associate director,~~
2699 ~~that the registered supplier did not comply with the requirements of subsection~~
2700 ~~(K). Before the probationary period begins, the registered supplier shall notify~~
2701 ~~the associate director in writing of the beginning date of the probationary period.~~
2702 ~~The probationary period ends 90 days after its beginning date.~~
- 2703 ~~2. A registered supplier shall not produce or import Arizona CBG or AZRBOB under~~
2704 ~~an averaging compliance election until:~~
- 2705 ~~a. The registered supplier submits a compliance plan to the associate director that~~
2706 ~~includes:~~
- 2707 ~~i. An implementation schedule for actions to correct noncompliance, and~~
2708 ~~ii. Reporting requirements that document implementation of the compliance~~
2709 ~~plan;~~
- 2710 ~~b. The associate director approves the plan,~~
2711 ~~c. The registered supplier implements the plan, and~~
2712 ~~d. The registered supplier achieves compliance.~~
- 2713 ~~3. If a registered supplier fails to comply with the requirements of subsection (K)~~
2714 ~~within one year of the end of a probationary period under subsection (L)(1), the~~
2715 ~~registered supplier shall comply with applicable per-gallon standards for a~~
2716 ~~subsequent probationary period of two years, or until the conditions in subsection~~
2717 ~~(L)(2) are satisfied, whichever is later.~~

- 2718 a. ~~If a registered supplier elects to comply with the Table 1 standards, the~~
2719 ~~probationary period begins on the first day of the next averaging season.~~
- 2720 b. ~~If a registered supplier elects to comply with the Table 2 standards or the PM, the~~
2721 ~~probationary period begins no later than 90 days after the registered supplier~~
2722 ~~determines, or receives notice from the associate director, that the registered~~
2723 ~~supplier did not comply with the requirements of subsection (K). Before the~~
2724 ~~probationary period begins, the registered supplier shall notify the associate~~
2725 ~~director in writing of the beginning date of the probationary period.~~
- 2726 4. ~~If a registered supplier fails to comply with the requirements of subsection (K)~~
2727 ~~within one year after the end of a probationary period provided under subsection~~
2728 ~~(L)(3), the registered supplier shall permanently comply with applicable per-gallon~~
2729 ~~standards.~~
- 2730 **M.** ~~Effect of VOC survey failure. Each time a VOC survey conducted under R3-7-760~~
2731 ~~shows excess VOC emissions in the CBG-covered area, the VOC emissions~~
2732 ~~performance reduction in R3-7-751(A)(8) and the minimum per-gallon VOC emission~~
2733 ~~reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent,~~
2734 ~~not to exceed the VOC percent emissions reduction percentage per-gallon standard in~~
2735 ~~Table 1, column A.~~
- 2736 **N.** ~~Effect of NOx survey failure. Each time a NOx survey conducted under R3-7-760 shows~~
2737 ~~excess NOx emissions in the CBG-covered area, the NOx average emission reduction~~
2738 ~~percentage applicable to the period of May 1 through September 15 in Table 1, column~~
2739 ~~B shall be increased by an absolute 1.0 percent.~~

2740 ~~O. Subsequent survey compliance. If the minimum VOC or average NOx emissions~~
2741 ~~reduction percentage has been made more stringent according to subsection (M) or (N)~~
2742 ~~and all emissions reduction surveys for VOC or NOx for two consecutive years show~~
2743 ~~emissions within the applicable adjusted reduction percentage in the CBG covered area,~~
2744 ~~the applicable VOC or NOx emissions adjusted reduction percentage shall be reduced by~~
2745 ~~an absolute 1.0 percent beginning in the year following the year in which the second~~
2746 ~~compliant survey is conducted. Each emissions reduction percentage adjusted under this~~
2747 ~~subsection shall not be decreased below the following:~~

- 2748 ~~1. >27 percent for the VOC emissions reduction percentage, May 1 through September~~
2749 ~~15, Table 1, column C; and~~
- 2750 ~~2. >6.8 percent for the NOx emissions reduction percentage, May 1 through September~~
2751 ~~15, Table 1, column B.~~

2752 ~~P. Subsequent survey failures. If a VOC or NOxx emissions reduction percentage is made~~
2753 ~~less stringent under subsection (O) and a subsequent VOC or NOxx survey shows~~
2754 ~~excess VOC or NOxx emissions in the CBG covered area:~~

- 2755 ~~1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction~~
2756 ~~percentage in R3-7-751(A)(8) and the minimum per gallon VOC emission reduction~~
2757 ~~percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to~~
2758 ~~exceed the VOC percent emissions reduction percentage per gallon standard in Table~~
2759 ~~1, column A;~~
- 2760 ~~2. For a NOxx survey failure, the NOxx average emission reduction percentage~~
2761 ~~applicable May 1 through September 15 in Table 1, column B shall be increased by~~
2762 ~~an absolute 1.0 percent; and~~

2763 ~~3. If the VOC or NO_x emission reduction percentage is increased under subsection~~
2764 ~~(P)(1) or (2), the VOC or NO_x emission reduction percentage shall not be made less~~
2765 ~~stringent regardless of the result of subsequent surveys for VOC or NO_x emissions.~~

2766 ~~Q. Effective date for adjusted standards. If a performance standard is adjusted by operation~~
2767 ~~of subsection (M), (N), (O), or (P), the effective date for the change is the beginning of~~
2768 ~~the next averaging season for which the standard is applicable.~~

2769 ~~R. The use of oxygenates other than ethanol under subsection (A)(7)(a)(i) and (B)(7)(a) is~~
2770 ~~prohibited until EPA approves a revision to the state implementation plan allowing the~~
2771 ~~use of oxygenates other than ethanol.~~

2772 **R3-7-751.01. Repealed**

2773 **R3-7-752. General Requirements for Registered Suppliers**

2774 **A.** A registered supplier shall certify that each batch of Arizona CBG or AZRBOB
2775 transported for sale or use in the CBG-covered area meets the standards in this Article.

2776 **B.** A registered supplier shall make the certification on a form or in a format prescribed by
2777 the associate director. The registered supplier shall include in the certification
2778 information on shipment volumes, fuel properties as determined under R3-7-759, and
2779 performance standards for each batch of Arizona CBG or AZRBOB. The registered
2780 supplier shall submit the certification to the associate director on or before the 15th day
2781 of each month for each batch of Arizona CBG or AZRBOB transported during the
2782 previous month.

2783 **C.** Recordkeeping and records retention.

- 2784 1. A registered supplier that samples and analyzes a final blend or shipment of Arizona
2785 CBG or AZRBOB under this Section shall maintain, for five years from the date of
2786 each sampling, records of the following:
- 2787 a. Sample date;
 - 2788 b. Identity of blend or product sampled;
 - 2789 c. Container or other vessel sampled;
 - 2790 d. The final blend or shipment volume; and
 - 2791 e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, vapor pressure,
2792 and as applicable, T50, T90, E200, and E300 as determined under R3-7-759.
- 2793 2. If Arizona CBG or AZRBOB produced or imported by a registered supplier is not
2794 tested and documented as required by this Section, the associate director shall deem
2795 the Arizona CBG or AZRBOB to have a vapor pressure, sulfur, aromatic
2796 hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in
2797 R3-7-751 or the comparable PM averaging limits, unless the registered supplier
2798 demonstrates to the associate director that the Arizona CBG or AZRBOB meets all
2799 applicable fuel property limits and performance standards.
- 2800 3. A registered supplier shall provide to the associate director any records maintained
2801 by the registered supplier under this Section within ~~20~~15 days of a written request
2802 from the associate director. If a registered supplier fails to provide records for a
2803 blend or shipment of Arizona CBG or AZRBOB, the associate director shall deem
2804 the final blend or shipment of Arizona CBG or AZRBOB in violation of R3-7-751,
2805 unless the registered supplier demonstrates to the associate director that the Arizona

2806 CBG or AZRBOB meets all applicable fuel property limits and performance
2807 standards.

2808 **D.** Notification requirement. A registered supplier shall notify the associate director by ~~fax~~
2809 ~~or~~ e-mail before transporting Arizona CBG or AZRBOB into the CBG-covered area by
2810 a means other than a pipeline.

2811 **E.** Quality Assurance and Quality Control (QA/QC) Program. A registered supplier shall
2812 develop a QA/QC program to demonstrate the accuracy and effectiveness of the
2813 registered supplier's laboratory testing of Arizona CBG or AZRBOB. The registered
2814 supplier shall submit the QA/QC program to the associate director for approval at least
2815 three months before the registered supplier transports Arizona CBG or AZRBOB. The
2816 associate director shall approve a QA/QC program only if the associate director
2817 determines that the QA/QC program ensures that the registered supplier's laboratory
2818 testing procedures comply with R3-7-759 and the data generated by the registered
2819 supplier's laboratory are complete, accurate, and reproducible. If the registered supplier
2820 makes significant changes to the QA/QC program, the registered supplier shall resubmit
2821 the QA/QC program to the associate director for review and approval. Within 30 days of
2822 receiving the changed QA/QC program, the associate director shall determine whether
2823 the changed QA/QC program meets the original quality objectives. The associate
2824 director shall approve the changed QA/QC program if it meets the quality objectives.
2825 Instead of developing a QA/QC program, a registered supplier may comply with the
2826 independent testing requirements of subsection (F).

2827 **F.** Independent testing.

- 2828 1. A registered supplier of Arizona CBG or AZRBOB that does not develop a QA/QC
2829 program shall conduct a program of independent sample collection and analysis for
2830 the Arizona CBG or AZRBOB produced or imported, that complies with one of the
2831 following:
- 2832 a. Option 1. A registered supplier shall, for each batch of Arizona CBG or
2833 AZRBOB produced or imported, have an independent laboratory collect and
2834 analyze a representative sample from the batch using the methodology specified
2835 in R3-7-759 for compliance with each fuel property and performance standard
2836 for which the Arizona CBG or AZRBOB is certified.
- 2837 b. Option 2. A registered supplier shall have an independent testing program for all
2838 Arizona CBG or AZRBOB that the registered supplier produces or imports that
2839 consists of the following:
- 2840 i. An independent laboratory shall collect a representative sample from each
2841 batch;
- 2842 ii. The associate director or designee shall identify up to 10% of the samples
2843 collected under subsection (F)(1)(b)(i) for analysis; and
- 2844 iii. The independent laboratory shall, for each sample identified by the associate
2845 director or designee, analyze the sample using the methodology specified in
2846 R3-7-759 for compliance with each fuel property and performance standard
2847 for which the Arizona CBG or AZRBOB is certified.
- 2848 2. The associate director or designee may request in writing a duplicate of the batch
2849 sample collected under subsection (F)(1)(a) or (b) for analysis by a laboratory
2850 selected by the associate director or designee. The registered supplier shall submit a

2851 duplicate of the sample to the associate director within 24 hours of the written
2852 request.

2853 3. Designation of independent laboratory.

2854 a. A registered supplier that does not develop a QA/QC program shall designate
2855 one independent laboratory for each production or import facility at which the
2856 registered supplier produces or imports Arizona CBG or AZRBOB. The
2857 independent laboratory shall collect samples and perform analyses according to
2858 subsection (F).

2859 b. A registered supplier shall identify the designated independent laboratory to the
2860 associate director under the registration requirements of R3-7-750.

2861 c. A laboratory is considered independent if:

2862 i. The laboratory is not operated by a registered supplier or the registered
2863 supplier's subsidiary or employee,

2864 ii. The laboratory does not have any interest in any registered supplier, and

2865 iii. The registered supplier does not have any interest in the designated
2866 laboratory.

2867 d. Notwithstanding the restrictions in subsection (F)(3)(c), the associate director
2868 shall consider a laboratory independent if it is owned or operated by a pipeline
2869 owned or operated by four or more registered suppliers.

2870 e. A registered supplier shall not use a laboratory that is debarred, suspended, or
2871 proposed for debarment according to the Government-wide Debarment and
2872 Suspension regulations, 40 CFR 32, or the Debarment, Suspension and
2873 Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9.4.

- 2874 4. A registered supplier shall ensure that its designated independent laboratory:
- 2875 a. Records the following at the time the designated independent laboratory collects
- 2876 a representative sample from a batch of Arizona CBG or AZRBOB:
- 2877 i. The producer's or importer's assigned batch number for the batch sampled;
- 2878 ii. The volume of the batch;
- 2879 iii. The identification number of the gasoline storage tank in which the batch is
- 2880 stored at the time the sample is collected;
- 2881 iv. The date and time the batch became Arizona CBG or AZRBOB;
- 2882 v. The date and time the sample is collected;
- 2883 vi. The grade of the batch (for example, unleaded premium, unleaded mid-grade,
- 2884 or unleaded); and
- 2885 vii. For Arizona CBG or AZRBOB produced by computer-controlled in-line
- 2886 blending, the date and time the blending process began and the date and time
- 2887 the blending process ended, unless exempt under subsection (G);
- 2888 b. Retains each sample collected under this subsection for at least 45 days, unless
- 2889 this time is extended by the associate director for up to 180 days;
- 2890 c. Submits to the associate director a quarterly report on or before the 15th day of
- 2891 January, April, July, and October of each year that includes, for each sample of
- 2892 Arizona CBG or AZRBOB analyzed under subsection (F):
- 2893 i. The results of the independent laboratory's analyses for each fuel property,
- 2894 and
- 2895 ii. The information specified in subsection (F)(4)(a) for each sample; and
- 2896 d. Supplies to the associate director, upon request, a duplicate of the sample.

2897 **G.** Exemptions to QA/QC and independent laboratory testing requirements. A registered
2898 supplier that produces or imports Arizona CBG or AZRBOB using computer-controlled
2899 in-line blending equipment and operates under an exemption from EPA under ~~40 CFR~~
2900 ~~80.65(f)(iv)~~ 40 CFR § 1090.1315, is exempt from the requirements of subsections (E)
2901 and (F), if reports of the results of the independent audit program of the registered
2902 supplier's computer-controlled in-line blending operation, which are submitted to EPA
2903 under ~~40 CFR 80.65(f)(iv)~~ 40 CFR § 1090.1315, are submitted to the associate director
2904 by March 1 of each year.

2905 **H.** Use of laboratory analysis for certification of Arizona CBG and AZRBOB.

2906 1. If both a registered supplier and an independent laboratory collect a sample from the
2907 same batch of Arizona CBG or AZRBOB and perform a laboratory analysis under
2908 subsection (F) to determine compliance of the sample with a fuel property, the
2909 registered supplier and independent laboratory shall use the same test methodology.
2910 The results of the analysis conducted by the registered supplier shall be used for
2911 certification of the Arizona CBG or AZRBOB under subsection (B), unless the
2912 absolute value of the difference between the two results is larger than one of the
2913 following:

- 2914 a. Sulfur content: 25 ppm by weight,
2915 b. Aromatics: 2.7% by volume,
2916 c. Olefins: 2.5% by volume,
2917 d. ~~Fuel ethanol~~ Ethanol: 0.4% by volume,
2918 e. Isobutanol: 0.6% by volume
2919 f. Vapor pressure: 0.3 psi,

- 2920 g. 50% distillation temperature: ASTM reproducibility for that sample using the
2921 slope from the registered supplier's results,
- 2922 h. 90% distillation temperature: ASTM reproducibility for that sample using the
2923 slope from the registered supplier's results,
- 2924 i. E200: 2.5% by volume,
- 2925 j. E300: 3.5% by volume, or
- 2926 k. API gravity: 0.3° API.
- 2927 2. If the absolute value of the difference between the results of the analyses conducted
2928 by the registered supplier and independent laboratory is larger than one of the values
2929 specified in subsection (H)(1), the registered supplier shall use one of the following
2930 for certification of the batch of Arizona CBG or AZRBOB under subsection (B):
- 2931 a. The larger of the two values for each fuel property, except the smaller of the two
2932 values shall be used for measures of oxygenates; or
- 2933 b. Have a second independent laboratory analyze the Arizona CBG or AZRBOB
2934 for each fuel property. If the difference between the results obtained by the
2935 second independent laboratory and those obtained by the registered supplier are
2936 within the range listed in subsection (H)(1), the registered supplier's results shall
2937 be used for certifying the Arizona CBG or AZRBOB under subsection (B).

2938 **R3-7-753. General Requirements for Pipelines and Third-party Terminals**

- 2939 **A.** A pipeline or third-party terminal shall not accept Arizona CBG or AZRBOB for
2940 transport unless:

- 2941 1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner,
2942 **CBG** blender, oxygenate blender, pipeline, or third-party terminal registered with the
2943 Division under R3-7-750; and
- 2944 2. The registered supplier provides written verification that the gasoline is Arizona
2945 CBG or AZRBOB and complies with the standards in R3-7-751(A) or (B), as
2946 applicable, without reproducibility or numerical rounding.
- 2947 **B.** A pipeline or third-party terminal that transports Arizona CBG or AZRBOB shall collect
2948 a sample of each incoming batch. The pipeline or third-party terminal shall retain the
2949 sample for at least 30 days unless this time is extended for an individual sample for up to
2950 180 days by the associate director.
- 2951 **C.** ~~A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a~~
2952 ~~frequency of at least one sample from one batch completing shipment for each supplier~~
2953 ~~for each day each at each input location.~~ A pipeline shall conduct quality control testing
2954 of Arizona CBG or AZRBOB at each input location. Testing shall consist of at least one
2955 sample for each registered supplier who completes a batch shipment at that input
2956 location on that day.
- 2957 **D.** A pipeline shall provide the associate director with a report summarizing the quality
2958 control testing results obtained under subsection (C) ~~within 10 days of the end of~~ by the
2959 15th day of each month, for all results obtained during the previous month. The report
2960 shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the
2961 Arizona CBG or AZRBOB was transported by pipeline, present sample location, and
2962 laboratory analysis results.

- 2963 **E.** If a batch does not meet the standards in R3-7-751(A) or (B), as applicable, but is within
2964 reproducibility, the pipeline shall notify the associate director by ~~fax or e-mail~~ within 48
2965 hours of the batch volume and date tendered, proposed shipment date, whether the batch
2966 was transported by the pipeline, present batch location, and laboratory analysis results.
- 2967 **F.** If a batch does not meet the standards in R3-7-751(A) or (B), as applicable, including
2968 reproducibility, the pipeline or third-party terminal shall notify the associate director by
2969 ~~fax or e-mail~~ within 24 hours of the batch quantity and date tendered, proposed shipment
2970 date, whether the batch was transported by the pipeline, present batch location, and
2971 laboratory analysis results. If the batch is in the pipeline's or third-party terminal's
2972 control, the pipeline or third-party terminal shall prevent release of the batch from a
2973 distribution point until the batch is certified as meeting the standards in R3-7-751(A) or
2974 (B), as applicable.
- 2975 **G.** A pipeline or third-party terminal shall develop a QA/QC program to demonstrate the
2976 accuracy and effectiveness of the pipeline's or third-party terminal's laboratory testing.
2977 The QA/QC program for a pipeline or third-party terminal shall include a description of
2978 the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported
2979 to the CBG-covered area meets the standards in R3-7-751(A) or (B). A pipeline or third-
2980 party terminal shall submit the QA/QC program to the associate director for approval at
2981 least three months before the pipeline or third-party terminal begins to transport Arizona
2982 CBG or AZRBOB. The associate director shall approve a QA/QC program only if the
2983 associate director determines that the QA/QC program ensures that the pipeline's or
2984 third-party terminal's laboratory testing produces data that are complete, accurate, and
2985 reproducible. If a pipeline or third-party terminal makes significant changes to the

2986 QA/QC program, the pipeline or third-party terminal shall resubmit the QA/QC program
2987 to the associate director for review and approval. Within 30 days of receiving the
2988 changed QA/QC program, the associate director shall determine whether the changed
2989 QA/QC program meets the quality objectives originally approved by the Division. The
2990 associate director shall approve the changed QA/QC program if it meets the quality
2991 objectives.

2992 **H.** A portion of a facility that a third-party terminal uses for production, import, or
2993 oxygenate blending is exempt from this Section, but the third-party terminal shall
2994 operate the exempt portion of the facility in compliance with requirements for registered
2995 suppliers in R3-7-752 and oxygenate blenders in R3-7-755, as applicable.

2996 **I.** A pipeline is not liable under R3-7-761 if it follows all of the procedures in this Section.

2997 **R3-7-754. Downstream Blending Exceptions for Transmix**

2998 **A.** A pipeline or third-party terminal may blend transmix into Arizona CBG or AZRBOB at
2999 a rate not to exceed 1/4 of one percent by volume. Each pipeline or third-party terminal
3000 shall document the transmix blending (recording each batch and volume of transmix
3001 blended) and maintain the records at the third-party terminal for two years from the date
3002 of blending.

3003 **B.** One of two methods shall be used to measure the transmix as it is blended into the
3004 product stream:

- 3005 1. Meters, calibrated at least twice each year; or
3006 2. Tank gauge as per American Petroleum Institute (API) Manual of Petroleum
3007 Measurement Standards, Chapters 3.1A (~~1st edition, December 1994~~ Third Edition,
3008 August 2013, Reaffirmed December 2018) and 3.1B (~~1st edition, April 1992~~ Fourth

3009 Edition, October 2021), incorporated by reference and on file with the Division. A
3010 copy may also be obtained at American Petroleum Institute, 1220 L St., N.W.,
3011 Washington, D.C. 20005-4070. This incorporation by reference contains no future
3012 editions or amendments.

3013 **R3-7-755. Additional Requirements for AZRBOB and ~~Downstream~~ Oxygenate**
3014 **Blending**

3015 **A. Application of Arizona CBG standards to AZRBOB.**

3016 ~~1.~~—Determining whether AZRBOB complies with Arizona CBG standards.

3017 ~~a.~~—1. If a registered supplier designates a final blend as AZRBOB and complies with
3018 the provisions of this Section, the fuel properties, ~~and~~ performance standards, and
3019 volume of the AZRBOB, for purposes of compliance with ~~Table 2~~ R3-7-751(C), are
3020 determined by adding the specified type and minimum amount of oxygenate to a
3021 representative sample of the AZRBOB and determining the fuel properties, ~~and~~
3022 performance standards, and volume of the resulting gasoline using the test methods
3023 in R3-7-759 or, in the case of fuel-ethanol blends, certifying the AZRBOB using the
3024 CARBOB model, on a form or in a format prescribed by the associate director. If the
3025 registered supplier designates a range of amounts of oxygenate to be added to the
3026 AZRBOB, the minimum designated amount of oxygenate shall be added to the
3027 AZRBOB to determine the fuel properties, ~~and~~ performance standards, and volume
3028 of the resulting Arizona CBG. If a registered supplier does not comply with this
3029 subsection, the Division shall determine whether the AZRBOB complies with
3030 applicable fuel properties, ~~and~~ performance standards, and volume, excluding
3031 requirements for vapor pressure, without adding oxygenate to the AZRBOB.

3032 ~~b.~~2. In determining whether AZRBOB complies with the Arizona CBG standards,
3033 the registered supplier shall ensure that the oxygenate added to the representative
3034 sample under subsection (A)(1)(a) is representative of the oxygenate the
3035 registered supplier reasonably expects will be subsequently added to the
3036 AZRBOB.

3037 3. The representative sample under subsection (A)(1)(a) shall be prepared in
3038 accordance with ASTM D7717-11 or another test method approved by EPA or
3039 CARB.

3040 2.4. Calculating the volume of AZRBOB. If a registered supplier designates a final
3041 blend as AZRBOB and complies with this Section, the volume of AZRBOB is
3042 calculated for compliance purposes under R3-7-751 by adding the minimum
3043 amount of oxygenate designated by the registered supplier. If a registered
3044 supplier fails to comply with this subsection, the Division shall calculate the
3045 volume of AZRBOB for purposes of compliance with applicable fuel properties
3046 and performance standards without adding the amount of oxygenate to the
3047 AZRBOB.

3048 **B.** Restrictions on transferring AZRBOB.

3049 1. A person shall not transfer ownership or custody of AZRBOB to any other person
3050 unless the transferee notifies the transferor in writing that:

3051 a. The transferee is a registered oxygenate blender and will add oxygenate in the
3052 type and amount (or within the range of amounts) designated in R3-7-757 before
3053 the AZRBOB is transferred from a final distribution facility, or

3054 b. The transferee will take all reasonably prudent steps necessary to ensure that the
3055 AZRBOB is transferred to a registered oxygenate blender that adds the type and
3056 amount (or within the range of amounts) of oxygenate designated in R3-7-757 to
3057 the AZRBOB before the AZRBOB is transferred from a final distribution
3058 facility.

3059 2. A person shall not sell or supply Arizona CBG from a final distribution facility if the
3060 type and amount or range of amounts of oxygenate designated in R3-7-757 have not
3061 been added to the AZRBOB.

3062 C. Restrictions on blending AZRBOB with other products. A person shall not combine
3063 AZRBOB supplied from the facility at which the AZRBOB is produced or imported
3064 with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:

3065 1. Oxygenate in the type and amount (or within the range of amounts) specified by the
3066 registered supplier at the time the AZRBOB is supplied from the production or
3067 import facility unless the AZRBOB is recertified by an oxygenate blender under R3-
3068 7-755(F), or

3069 2. Other AZRBOB for which the same oxygenate type and amount (or range of
3070 amounts) is specified by the registered supplier at the time the AZRBOB is supplied
3071 from the production or import facility, except that AZRBOB certified for the
3072 addition of 10 percent ethanol may be combined with AZRBOB certified for the
3073 addition of 10 to 15 percent ethanol.

3074 ~~3. A registered oxygenate blender may utilize an oxygenate type other than the one~~
3075 ~~specified by the registered supplier provided all the requirements of R3-7-751, R3-7-~~

3076 ~~752, R3-7-755, and R3-7-759 are demonstrated with the addition of the different~~
3077 ~~oxygenate type.~~

3078 **D.** ~~Quality assurance sampling and testing requirements for a registered supplier supplying~~
3079 ~~AZRBOB from a production or import facility~~ Survey for oxygenate blending during the
3080 winter. A registered supplier supplying AZRBOB from a production or import facility
3081 shall conduct an oxygenate blending survey program that meets the requirements of R3-
3082 7-760(A) or use an independent third-party quality assurance sampling and testing
3083 program as described in subsection (E) or conduct a quality assurance sampling and
3084 testing program that meets the requirements of 40 CFR 80.69(a)(7), as it existed on July
3085 1, 1996, except for the changes listed in subsections (D)(1) through (3). 40 CFR
3086 80.69(a)(7), July 1, 1996, is incorporated by reference and on file with the Division. A
3087 copy may be obtained at the Government Publishing Office, P.O. Box 979050, St.
3088 Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated includes no
3089 future editions or amendments to conduct an oxygenate blending survey program that
3090 meets the requirements in R3-7-760(B).

3091 ~~1. 40 CFR 80.69(a)(7). The word “RBOB” is changed to read “AZRBOB”;~~
3092 ~~2. 40 CFR 80.69(a)(7). “...using the methodology specified in § 80.46...” is changed to~~
3093 ~~read “...using the methodology specified in R3-7-759...;” and~~
3094 ~~3. 40 CFR 80.69(a)(7)(ii). “(within the correlation ranges specified in § 80.65(e)(2)(i))”~~
3095 ~~is changed to read “(within the ranges of the applicable test methods)”.~~

3096 **E.** ~~General requirements for an independent third party quality assurance sampling and~~
3097 ~~testing program. A registered supplier may contract with an independent third party that~~
3098 ~~conducts a quality assurance sampling and testing program for one or more registered~~

3099 ~~suppliers. The registered supplier shall ensure that the quality assurance sampling and~~
3100 ~~testing program:~~

3101 ~~1. Is designed and conducted by a third party that is independent of the registered~~
3102 ~~supplier. To be considered independent:~~

3103 ~~a. The third party shall not be an employee of a registered supplier,~~

3104 ~~b. The third party shall not have an obligation to or interest in any registered~~
3105 ~~supplier, and~~

3106 ~~c. The registered supplier shall not have an obligation to or interest in the third~~
3107 ~~party;~~

3108 ~~2. Is conducted from November 1 through March 31 on all samples collected under the~~
3109 ~~program design previously approved by the associate director under subsection (G);~~

3110 ~~3. Involves sampling and testing that is representative of all Arizona CBG dispensed in~~
3111 ~~the CBG covered area;~~

3112 ~~4. Analyzes each sample for oxygenate according to the methodologies specified in~~
3113 ~~R3-7-759;~~

3114 ~~5. Bases results on an analysis of each sample collected during the sampling period~~
3115 ~~unless a specific sample does not comply with the applicable per gallon maximum or~~
3116 ~~minimum standards for the fuel property being evaluated in addition to any~~
3117 ~~reproducibility applicable to the fuel property;~~

3118 ~~6. Participates in a correlation program with the associate director to ensure the validity~~
3119 ~~of analysis results;~~

3120 ~~7. Does not provide advance notice, except as provided in subsection (F), of the date or~~
3121 ~~location of any sampling;~~

- 3122 ~~8. Provides a duplicate of any sample, with information regarding where and the date~~
3123 ~~on which the sample was collected, upon request of the associate director, within 30~~
3124 ~~days after submitting the report required under subsection (E)(10);~~
- 3125 ~~9. Permits a Division official to monitor sample collection, transportation, storage, and~~
3126 ~~analysis at any time; and~~
- 3127 ~~10. Prepares and submits a report to the associate director within 30 days after the~~
3128 ~~sampling is completed that includes the following information:~~
- 3129 ~~a. Name of the person collecting the samples;~~
- 3130 ~~b. Attestation by an officer of the third party that the sampling and testing was done~~
3131 ~~according to the program plan approved by the associate director under~~
3132 ~~subsection (G) and the results are accurate;~~
- 3133 ~~e. Identification of the registered supplier for whom the sampling and testing~~
3134 ~~program was conducted if the sampling and testing program was conducted for~~
3135 ~~only one registered supplier;~~
- 3136 ~~d. Identification of the area from which the samples were collected;~~
- 3137 ~~e. Address of each motor fuel dispensing site from which a sample was collected;~~
- 3138 ~~f. Dates on which the samples were collected;~~
- 3139 ~~g. Results of the analysis of the samples for oxygenate type and oxygen weight~~
3140 ~~percent, aromatic hydrocarbon, and olefin content, E200, E300, and vapor~~
3141 ~~pressure, and the calculated VOC or NO_x emissions reduction percentage, as~~
3142 ~~applicable;~~
- 3143 ~~h. Name and address of each laboratory at which the samples were analyzed;~~

- 3144 i. ~~Description of the method used to select the motor fuel dispensing sites from~~
3145 ~~which a sample was collected;~~
- 3146 j. ~~Number of samples collected at each motor fuel dispensing site; and~~
- 3147 k. ~~Justification for excluding a collected sample if one was excluded.~~

3148 E. Requirements for oxygenate blenders.

- 3149 1. Requirement to add oxygenate to AZRBOB. If an oxygenate blender receives
3150 AZRBOB from a transferor to whom the oxygenate blender represents that
3151 oxygenate will be added to the AZRBOB, the oxygenate blender shall add oxygenate
3152 to the AZRBOB in the type and amount (or within the range of amounts) identified
3153 in the documentation accompanying the AZRBOB except as provided under R3-7-
3154 755(F).
- 3155 2. Additional requirements for oxygenate blending at terminals. An oxygenate blender
3156 that makes Arizona CBG by blending oxygenate with AZRBOB in a motor fuel
3157 storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-
3158 purchaser consumer facility, shall determine the oxygen content and volume of the
3159 Arizona CBG before shipping, by collecting and analyzing a representative sample
3160 of the Arizona CBG, using the methodology in R3-7-759.
- 3161 3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that
3162 blends AZRBOB in a motor fuel delivery truck shall conduct a quality assurance
3163 sampling and testing program to determine whether the proper type and amount of
3164 oxygenate is added to AZRBOB. The program shall be conducted as follows:
- 3165 a. All samples shall be collected subsequent to the addition of oxygenate and prior
3166 to combining the resulting gasoline with any other gasoline;

- 3167 b. Sampling and testing shall be done at one of the following rates:
- 3168 i. In the case computer-controlled in-line blending is used, a rate of not less
- 3169 than one sample per each five hundred occasions AZRBOB and oxygenate
- 3170 are loaded into a truck by that oxygenate blender, or one sample every three
- 3171 months, whichever is more frequent; or
- 3172 ii. In the case computer-controlled in-line blending is not used, a rate of not less
- 3173 than one sample per each one hundred occasions AZRBOB and oxygenate
- 3174 are blended in a truck by that oxygenate blender, or one sample per month,
- 3175 whichever is more frequent.
- 3176 c. Sampling and testing shall be of the Arizona CBG produced by that oxygenate
- 3177 blender;
- 3178 d. Samples shall be analyzed for oxygenate type and oxygen content using the
- 3179 testing methodology specified in R3-7-759, including reproducibility; and
- 3180 e. In the event the testing results for any sample indicate the gasoline does not
- 3181 contain the specified type and amount of oxygenate (within the ranges of the
- 3182 applicable test methods, including reproducibility):
- 3183 i. Immediately stop selling (or where possible, to stop any transferee of the
- 3184 gasoline from selling) the gasoline which was sampled;
- 3185 ii. Take steps to determine and correct the cause of the noncompliance; and
- 3186 iii. Increase the rate of sampling and testing to double the required frequency
- 3187 outlined in subsection (E)(3)(b).
- 3188 f. The increased frequency in subsection (E)(3)(e)(iii) shall continue until the
- 3189 results of ten consecutive samples and tests indicate the gasoline complies with

3190 applicable standards, at which time the sampling and testing frequency may
3191 revert to the original frequency.

3192 4. Additional requirements for in-line oxygenate blending in pipelines using computer-
3193 controlled blending.

3194 a. An oxygenate blender that produces Arizona CBG by blending oxygenate with
3195 AZRBOB into a pipeline using computer-controlled in-line blending shall, for
3196 each batch of Arizona CBG produced:

3197 i. Obtain a flow proportional composite sample after the addition of oxygenate
3198 and before combining the resulting Arizona CBG with any other Arizona
3199 CBG;

3200 ii. Determine the oxygen content of the Arizona CBG by analyzing the
3201 composite sample within 24 hours of blending using the methodology in R3-
3202 7-759; and

3203 iii. Determine the volume of the resulting Arizona CBG.

3204 b. If the test results for the Arizona CBG indicate that it does not contain the
3205 amount of oxygenate specified by the ranges of the applicable test methods, the
3206 oxygenate blender shall:

3207 i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline
3208 or transmix upon arrival in Arizona;

3209 ii. Begin an investigation to determine the cause of the noncompliance;

3210 iii. Collect a representative sample every two hours during each in-line blend of
3211 AZRBOB and oxygenate, and analyze the samples within 12 hours of

3212 collection, until the cause of the noncompliance is determined and corrected;

3213 and

3214 iv. Notify the associate director in writing within one business day that the

3215 Arizona CBG does not comply with the requirements of this Article.

3216 v. The oxygenate blender shall comply with subsection (E)(4)(b)(iii) until the

3217 associate director determines that the corrective action has remedied the

3218 noncompliance.

3219 5. Additional requirements for oxygenate blending at motor fuel dispensing sites. An

3220 oxygenate blender that blends AZRBOB or Arizona CBG with oxygenates at a

3221 motor fuel dispensing site shall conduct a quality assurance sampling and testing

3222 program to determine whether the proper type and amount of oxygenate is added as

3223 follows:

3224 a. The samples shall be collected subsequent to the addition of oxygenate at least

3225 once every six months.

3226 b. Samples shall be analyzed for oxygenate type and oxygen content using the

3227 testing methodology in R3-7-759, including reproducibility.

3228 c. In the event testing results for any sample indicate the gasoline does not contain

3229 the specified type and amount of oxygenate (within the ranges of the applicable

3230 test methods), the oxygenate blender shall:

3231 i. Immediately stop selling the gasoline which was sampled and take steps to

3232 determine and correct the cause of the noncompliance; and

3233 ii. Increase the rate of sampling and testing to quarterly, and continue quarterly
3234 testing until two consecutive tests indicate the gasoline complies with the
3235 applicable standards.

3236 6. Recordkeeping and records retention.

3237 a. An oxygenate blender shall maintain, for five years from the date of each
3238 sampling, records of the following:

3239 i. Sample date,

3240 ii. Identity of blend or product sampled,

3241 iii. Container or other vessel sampled,

3242 iv. Volume of final blend or shipment,

3243 v. Oxygen content as determined under R3-7-759, and

3244 vi. Results from all testing.

3245 b. The associate director shall deem that Arizona CBG blended by an oxygenate
3246 blender and not tested and documented as required by this Section has an oxygen
3247 content that does not comply with the standards specified in R3-7-751 unless the
3248 oxygenate blender demonstrates to the associate director that the Arizona CBG
3249 meets the standards in R3-7-751.

3250 c. Within 15 days of the associate director's written request, an oxygenate blender
3251 shall provide any records maintained by the oxygenate blender under this
3252 Section. If the oxygenate blender fails to provide records requested for a blend or
3253 shipment of Arizona CBG, the associate director shall deem that the blend or
3254 shipment of Arizona CBG violates R3-7-751 unless the oxygenate blender

3255 demonstrates to the associate director that the Arizona CBG meets the standards
3256 and limits under R3-7-751.

3257 7. Notification requirement. An oxygenate blender shall notify the associate director by
3258 e-mail before transporting Arizona CBG or AZRBOB into the CBG-covered area by
3259 a means other than a pipeline.

3260 8. Quality assurance and quality control (QA/QC) program. An oxygenate blender that
3261 conducts sampling and testing under subsection (E) in the oxygenate blender's own
3262 laboratory shall develop a QA/QC program to demonstrate the accuracy and
3263 effectiveness of the oxygenate blender's sampling and testing of Arizona CBG or
3264 AZRBOB. The oxygenate blender shall submit the QA/QC program to the associate
3265 director for approval before transporting Arizona CBG. The associate director shall
3266 approve a QA/QC program only if the associate director determines that the QA/QC
3267 program ensures that the oxygenate blender's sampling and testing produces data that
3268 are complete, accurate, and reproducible. Instead of developing a QA/QC program,
3269 an oxygenate blender may comply with the independent testing requirements of R3-
3270 7-752(F), except that, for sampling and testing conducted under subsection (E)(3),
3271 the minimum number of samples collected and tested by the independent laboratory
3272 shall be 10% of the number of samples required to be collected and tested under
3273 subsection (E).

3274 9. An oxygenate blender that does not conduct laboratory sampling and testing required
3275 under subsection (E) in its own laboratory shall designate an independent laboratory,
3276 as described in R3-7-752(F), to conduct the sampling and testing required under
3277 subsection (E)(8).

3278 10. Within 24 hours of the associate director's or designee's written request, an
3279 oxygenate blender shall submit a duplicate of any sample collected under subsection
3280 (E)(8).

3281 ~~F. An independent third party that contracts with one or more registered suppliers to~~
3282 ~~conduct a quality assurance sampling and testing program shall begin the sampling on~~
3283 ~~the date selected by the associate director. The associate director shall inform the third~~
3284 ~~party of the date selected at least 10 business days before sampling is to begin.~~

3285 F. Downstream AZRBOB or Arizona CBG Recertification. If a registered supplier has
3286 specified blending instruction for oxygenate(s) under R3-7-752 and R3-7-755(A), an
3287 oxygenate blender may recertify AZRBOB for a different type or amount of oxygenate.

3288 The oxygenate blender is exempt from the requirements to register as a registered
3289 supplier and certify the finished Arizona CBG under R3-7-752 and R3-7-752, if the
3290 recertifying oxygenate blender:

3291 1. Only recertifies AZRBOB to contain a greater amount of a specified oxygenate (e.g.
3292 the oxygenate blender adds 15 volume percent ethanol to a batch certified for the
3293 addition of 10 volume percent ethanol) or a different oxygenate at an equal or greater
3294 amount (e.g. the oxygenate blender adds 16 volume percent isobutanol to a batch
3295 certified for 10 volume percent ethanol).

3296 2. Issues product transfer documentation that includes the information for the
3297 recertified gasoline contained in R3-7-757, unless the recertified gasoline is blended
3298 and dispensed at a motor fuel dispensing site or fleet vehicle fueling facility.

3299 3. Meets the requirements applicable to oxygenate blenders in R3-7-755(E).

3300 4. Uses oxygenates meeting the requirements of R3-7-708(B) or (C), or ethanol flex
3301 fuel that meets the requirements of R3-7-755(E) to blend with AZRBOB or Arizona
3302 CBG.

3303 5. Upon request, on a form or in a format prescribed by the associate director, reports
3304 to the Division the volume of Arizona CBG recertified, including the types and
3305 amounts of oxygenate added. The report shall be submitted within 15 days of the
3306 request.

3307 ~~G. To obtain the associate director's approval of an independent third party quality~~
3308 ~~assurance sampling and testing program plan, the person seeking the approval shall:~~

3309 ~~1. Submit the plan to the associate director no later than January 1 to cover the~~
3310 ~~sampling and testing period from November 1 through March 31 of each year, and~~
3311 ~~2. Have the plan signed by an officer of the third party that will conduct the sampling~~
3312 ~~and testing program.~~

3313 ~~H. No later than September 1 of each year, a registered supplier that intends to meet the~~
3314 ~~requirements in subsection (D) by contracting with an independent third party to conduct~~
3315 ~~quality assurance sampling and testing from November 1 through March 31 shall enter~~
3316 ~~into the contract and pay all of the money necessary to conduct the sampling and testing~~
3317 ~~program. The registered supplier may pay the money necessary to conduct the sampling~~
3318 ~~and testing program to the third party or to an escrow account with instructions to the~~
3319 ~~escrow agent to release the money to the third party as the testing program is~~
3320 ~~implemented. No later than September 15, the registered supplier shall submit to the~~
3321 ~~associate director a copy of the contract with the third party, proof that the money~~

3322 necessary to conduct the sampling and testing program has been paid, and, if applicable,
3323 a copy of the escrow agreement.

3324 ~~I. Requirements for oxygenate blenders.~~

3325 ~~1. Requirement to add oxygenate to AZRBOB. If an oxygenate blender receives~~
3326 ~~AZRBOB from a transferor to whom the oxygenate blender represents that~~
3327 ~~oxygenate will be added to the AZRBOB, the oxygenate blender shall add oxygenate~~
3328 ~~to the AZRBOB in the type and amount (or within the range of amounts) identified~~
3329 ~~in the documentation accompanying the AZRBOB.~~

3330 ~~2. Additional requirements for oxygenate blending at terminals. An oxygenate blender~~
3331 ~~that makes Arizona CBG by blending oxygenate with AZRBOB in a motor fuel~~
3332 ~~storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-~~
3333 ~~purchaser consumer facility, shall determine the oxygen content and volume of the~~
3334 ~~Arizona CBG before shipping, by collecting and analyzing a representative sample~~
3335 ~~of the Arizona CBG, using the methodology in R3-7-759.~~

3336 ~~3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that~~
3337 ~~blends AZRBOB in a motor fuel delivery truck shall conduct quality assurance~~
3338 ~~sampling and testing that meets the requirements in 40 CFR 80.69(e)(2), as it existed~~
3339 ~~on July 1, 1996, except for the changes listed in subsections (I)(3)(a) through (c). 40~~
3340 ~~CFR 80.69(e)(2), July 1, 1996, is incorporated by reference and on file with the~~
3341 ~~Division. A copy may be obtained at the Government Publishing Office, P.O. Box~~
3342 ~~979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov. The material incorporated~~
3343 ~~includes no future editions or amendments.~~

3344 ~~a. 40 CFR 80.69(e)(2). The word "RBOB" is changed to read "AZRBOB;"~~

- 3345 b. ~~40 CFR 80.69(e)(2)(iv). “... using the testing methodology specified at § 80.46~~
3346 ~~...” is changed to read “... using the testing methodology specified in R3-7-~~
3347 ~~759...;” and~~
- 3348 e. ~~40 CFR 80.69(e)(2)(v). “(within the ranges specified in § 80.70(b)(2)(I))” is~~
3349 ~~changed to read “(within the ranges of the applicable test methods).”~~
- 3350 4. ~~Additional requirements for in line oxygenate blending in pipelines using computer-~~
3351 ~~controlled blending.~~
- 3352 a. ~~An oxygenate blender that produces Arizona CBG by blending oxygenate with~~
3353 ~~AZRBOB into a pipeline using computer controlled in line blending shall, for~~
3354 ~~each batch of Arizona CBG produced:~~
- 3355 i. ~~Obtain a flow proportional composite sample after the addition of oxygenate~~
3356 ~~and before combining the resulting Arizona CBG with any other Arizona~~
3357 ~~CBG;~~
- 3358 ii. ~~Determine the oxygen content of the Arizona CBG by analyzing the~~
3359 ~~composite sample within 24 hours of blending using the methodology in R3-~~
3360 ~~7-759; and~~
- 3361 iii. ~~Determine the volume of the resulting Arizona CBG.~~
- 3362 b. ~~If the test results for the Arizona CBG indicate that it does not contain the~~
3363 ~~amount of oxygenate specified by the ranges of the applicable test methods, the~~
3364 ~~oxygenate blender shall:~~
- 3365 i. ~~Notify the pipeline to downgrade the Arizona CBG to conventional gasoline~~
3366 ~~or transmix upon arrival in Arizona;~~
- 3367 ii. ~~Begin an investigation to determine the cause of the noncompliance;~~

- 3368 iii. ~~Collect a representative sample every two hours during each in-line blend of~~
3369 ~~AZRBOB and oxygenate, and analyze the samples within 12 hours of~~
3370 ~~collection, until the cause of the noncompliance is determined and corrected;~~
3371 ~~and~~
- 3372 iv. ~~Notify the associate director in writing within one business day that the~~
3373 ~~Arizona CBG does not comply with the requirements of this Article.~~
- 3374 e. ~~The oxygenate blender shall comply with subsection (I)(4)(b)(iii) until the~~
3375 ~~associate director determines that the corrective action has remedied the~~
3376 ~~noncompliance.~~
- 3377 5. ~~Recordkeeping and records retention.~~
- 3378 a. ~~An oxygenate blender shall maintain, for five years from the date of each~~
3379 ~~sampling, records of the following:~~
- 3380 i. ~~Sample date,~~
3381 ii. ~~Identity of blend or product sampled,~~
3382 iii. ~~Container or other vessel sampled,~~
3383 iv. ~~Volume of final blend or shipment,~~
3384 v. ~~Oxygen content as determined under R3-7-759, and~~
3385 vi. ~~Results from all testing.~~
- 3386 b. ~~The associate director shall deem that Arizona CBG blended by an oxygenate~~
3387 ~~blender and not tested and documented as required by this Section has an oxygen~~
3388 ~~content that exceeds the standards specified in R3-7-751 or exceeds the~~
3389 ~~comparable PM averaging limits, if applicable, unless the oxygenate blender~~

3390 demonstrates to the associate director that the Arizona CBG meets the standards
3391 in R3-7-751.

3392 e. ~~Within 20 days of the associate director's written request, an oxygenate blender~~
3393 ~~shall provide any records maintained by the oxygenate blender under this~~
3394 ~~Section. If the oxygenate blender fails to provide records requested for a blend or~~
3395 ~~shipment of Arizona CBG, the associate director shall deem that the blend or~~
3396 ~~shipment of Arizona CBG violates R3-7-751 or exceeds the comparable PM~~
3397 ~~averaging limits, if applicable, unless the oxygenate blender demonstrates to the~~
3398 ~~associate director that the Arizona CBG meets the standards and limits under R3-~~
3399 ~~7-751.~~

3400 6. ~~Notification requirement. An oxygenate blender shall notify the associate director by~~
3401 ~~fax or e-mail before transporting Arizona CBG or AZRBOB into the CBG-covered~~
3402 ~~area by a means other than a pipeline.~~

3403 7. ~~Quality assurance and quality control (QA/QC) program. An oxygenate blender that~~
3404 ~~conducts sampling and testing under subsection (f) in the oxygenate blender's own~~
3405 ~~laboratory shall develop a QA/QC program to demonstrate the accuracy and~~
3406 ~~effectiveness of the oxygenate blender's sampling and testing of Arizona CBG or~~
3407 ~~AZRBOB. The oxygenate blender shall submit the QA/QC program to the associate~~
3408 ~~director for approval at least three months before transporting Arizona CBG. The~~
3409 ~~associate director shall approve a QA/QC program only if the associate director~~
3410 ~~determines that the QA/QC program ensures that the oxygenate blender's sampling~~
3411 ~~and testing produces data that are complete, accurate, and reproducible. Instead of~~
3412 ~~developing a QA/QC program, an oxygenate blender may comply with the~~

3413 independent testing requirements of R3-7-752(F), except that, for sampling and
3414 testing conducted under subsection (I)(3), the minimum number of samples collected
3415 and tested by the independent laboratory shall be 10% of the number of samples
3416 required to be collected and tested under subsection (I).

3417 ~~8. An oxygenate blender that does not conduct laboratory sampling and testing required~~
3418 ~~under subsection (I) in its own laboratory shall designate an independent laboratory,~~
3419 ~~as described in R3-7-752(F), to conduct the sampling and testing required under~~
3420 ~~subsection (I)(7).~~

3421 ~~9. Within 24 hours of the associate director's or designee's written request, an~~
3422 ~~oxygenate blender shall submit a duplicate of any sample collected under subsection~~
3423 ~~(I)(7).~~

3424 ~~J. Subsection (A)(1)(a) will not become effective until Arizona's revised State~~
3425 ~~Implementation Plan submitted by ADEQ to EPA in August 2013 and subsequent~~
3426 ~~supplement submitted July 2014 is approved by EPA.~~

3427 **R3-7-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks**

3428 **A.** A person shall not combine Arizona CBG supplied from a production or import facility
3429 with any nonoxygenate blendstock, other than vapor recovery condensate, unless ~~the~~
3430 ~~person demonstrates to the associate director: the resulting gasoline blend meets the~~
3431 ~~requirements in ASTM D4814 and is not used within the CBG-covered area.~~

3432 ~~1. The blendstock added to the Arizona CBG meets all of the Arizona CBG standards~~
3433 ~~regardless of the fuel properties and performance standards of the Arizona CBG to~~
3434 ~~which the blendstock is added;~~

3435 ~~2. The person meets the requirements in this Article applicable to producers of Arizona~~

3436 ~~CBG; and~~

3437 ~~3. The resulting fuel blend is not used within the CBG-covered area.~~

3438 **B.** Notwithstanding subsection (A), a person may add nonoxygenate blendstock to a
3439 previously certified batch or mixture of certified batches of Arizona CBG that does not
3440 comply with one or more of the applicable per-gallon standards contained in R3-7-
3441 751(A) or (B) if the person obtains prior written approval from the associate director
3442 based on a demonstration that adding the blendstock will bring the previously certified
3443 Arizona CBG into compliance with the applicable per-gallon standards for Arizona
3444 CBG. The oxygenate blender or registered supplier shall certify the re-blended Arizona
3445 CBG to the Division, on a form or in a format prescribed by the associate director.

3446 **R3-7-757. Product Transfer Documentation; Records Retention**

3447 **A.** If a person transfers custody or title to Arizona CBG or AZRBOB, other than when
3448 Arizona CBG is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling
3449 facility, the transferor shall provide to the transferee documents that include the
3450 following:

- 3451 1. Volume of Arizona CBG or AZRBOB being transferred;
- 3452 2. Location of the Arizona CBG or AZRBOB at the time of transfer;
- 3453 3. Date of the transfer;
- 3454 4. Product transfer document number;
- 3455 5. Identification of the gasoline as Arizona CBG or AZRBOB;
- 3456 6. Minimum octane rating of the Arizona CBG or AZRBOB;

- 3457 7. For ~~oxygenated~~ Arizona CBG that contains an oxygenate designated for sale for use
3458 ~~in motor vehicles from November 1 through March 31, the type and minimum~~
3459 ~~quantity of oxygenate contained in the Arizona CBG, a legible and conspicuous~~
3460 statement that the gasoline being transferred contains an oxygenate and lists the type
3461 and percentage concentration of the oxygenate;
- 3462 8. If the product transferred is AZRBOB for which oxygenate blending is intended:
- 3463 a. Identification of the fuel as AZRBOB and a statement that the “AZRBOB does
3464 not comply with the standards for Arizona CBG without the addition of
3465 oxygenate”;
- 3466 b. Oxygenate type or types and amount or range of amounts that the AZRBOB
3467 requires to meet the fuel properties or performance standards claimed by the
3468 registered supplier of the AZRBOB, and the applicable specifications for volume
3469 percent of oxygenate and weight percent oxygen content; and
- 3470 c. Instructions to the transferee that the AZRBOB may not be combined with any
3471 other AZRBOB unless the other AZRBOB has the same requirements for
3472 oxygenate type or types and amount or range of amounts; and
- 3473 9. The final destination:
- 3474 a. When a terminal is the transferor, the owner or the operator ~~of~~ shall include on
3475 the product transfer document the terminal name and address and the transporter
3476 name and address;
- 3477 b. When a transporter is the transferor, the transporter shall include on the product
3478 transfer document the name and address of the transporter and the final

- 3479 destination, which is the location at which the motor fuel will be delivered and
3480 off loaded from the truck; and
- 3481 c. When a jobber or marketer is the transferor, the jobber or marketer shall include
3482 on the product transfer document the name and address of the jobber or marketer
3483 and the final destination, which may be a final distribution facility or a motor
3484 fuel dispensing site.
- 3485 **B.** To enable a transferor to comply fully with the requirement in subsection (A)(9), the
3486 transferee shall supply to the transferor information regarding the final destination.
- 3487 **C.** A registered supplier, third-party terminal, or pipeline may comply with subsection (A)
3488 by using standardized product codes on pipeline tickets if the codes are specified in a
3489 manual distributed by the pipeline to transferees of the Arizona CBG or AZRBOB, and
3490 the manual includes all required information for the Arizona CBG or AZRBOB.
- 3491 **D.** Any transferee in subsection (A), other than a registered supplier, oxygenate blender,
3492 third-party terminal, pipeline, motor fuel dispensing site, or fleet vehicle fueling facility
3493 shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB
3494 transferred during the 24 months before the most recent transfer. The transferee shall
3495 maintain product transfer documents for the 30 days before the most recent transfer at
3496 the business address listed on the product transfer document. The transferee may
3497 maintain all remaining product transfer documents for the preceding 24 months
3498 elsewhere.
- 3499 **E.** A motor fuel dispensing site or fleet vehicle fueling facility shall retain product transfer
3500 documents for each shipment of Arizona CBG transferred during the 12 months before
3501 the most recent transfer. The motor fuel dispensing site or fleet vehicle fueling facility

3502 shall maintain product transfer documents for the three most recent transfers on the
3503 premises. The motor fuel dispensing site or fleet vehicle fueling facility may maintain
3504 the remaining product transfer documents for the preceding 12 months elsewhere.

3505 **F.** A registered supplier, oxygenate blender, third-party terminal, or pipeline shall retain
3506 product transfer documents for each shipment of Arizona CBG or AZRBOB transferred
3507 during the 60 months before the most recent transfer. The transferee shall maintain
3508 product transfer documents for each shipment of Arizona CBG or AZRBOB transferred
3509 during the 30 days preceding the most recent transfer at the business address listed on
3510 the product transfer document. The transferee may maintain all remaining product
3511 transfer documents for the preceding 60 months elsewhere.

3512 ~~**G.** When a person transfers custody or title of an oxygenate that is intended for use in
3513 AZRBOB or Arizona CBG, the person shall provide the transferee a document that
3514 prominently states that the oxygenate complies with the standards for an oxygenate
3515 intended for use in AZRBOB or Arizona CBG.~~

3516 ~~**H.G.**~~ Upon request by the associate director or designee, a person shall present product
3517 transfer documents to the Division within two working business days of the request.
3518 Legible photocopies or electronic copies of the product transfer documents are
3519 acceptable.

3520 **R3-7-758. Repealed**

3521 **R3-7-759. Testing Methodologies**

3522 **A.** Except as provided in subsection (C), a registered supplier or importer certifying
3523 Arizona CBG or AZRBOB as meeting the requirements of this Article shall use one of
3524 the methods listed in Table A. A copy of the EPA- or CARB-approved ASTM methods

3525 may be obtained at: ASTM International (formerly American Society for Testing and
3526 Materials), 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959 or
3527 www.astm.org. A copy of the CARB methods may be obtained at: California Air
3528 Resources Board, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.

3529 **B.** An oxygenate blender or third-party terminal certifying Arizona CBG or AZRBOB
3530 before transport to the CBG-covered area shall measure the oxygenate content in
3531 accordance with the oxygenate blender's or third-party terminal's approved QA/QC
3532 program or in accordance with one of the methods listed in Table A.

3533 **C.** Rather than using a method listed in Table A to certify Arizona CBG or AZRBOB, a
3534 registered supplier may use the CARBOB Model and use the fuel-quality measures
3535 calculated using the CARBOB Model for compliance and reporting purposes.

3536 **D.** A test method that the Division determines is equivalent to those listed in Table A may
3537 be used to certify Arizona CBG or AZRBOB. The Division has determined that test
3538 methods approved by either the EPA or CARB are equivalent test methods. ~~To~~
3539 ~~determine whether a proposed test method is equivalent to those listed in Table A, the~~
3540 ~~Division shall thoroughly review data from both the proposed and designated test~~
3541 ~~methods and assess whether the accuracy and precision of the proposed method is equal~~
3542 ~~to or better than the accuracy and precision of the designated method and whether there~~
3543 ~~is significant bias between the two methods. The Division shall approve a proposed test~~
3544 ~~method only if the Division determines that the accuracy and precision of the proposed~~
3545 ~~test method is equal to or better than the accuracy and precision of the designated~~
3546 ~~method and receives the concurrence of the EPA Regional Administrator. A correlation~~
3547 ~~equation may be required shall be used to align the two methods if required by EPA,~~

3548 CARB, or the ASTM test method. If a correlation equation is required to align the two
3549 methods, the correlation equation becomes part of the equivalent method.

3550 E. Subsections (C) and (D) will not become effective until Arizona's revised State
3551 Implementation Plan submitted by ADEQ to EPA in August 2013 and subsequent
3552 supplement submitted July 2014 is approved by EPA.

3553
3554
3555

**Table A. Arizona Weights and Measures Services Division 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%	D5769-04			
	V%	D1319-02a (2003) ^A	1.65	D5580-00	1.4
Benzene	V%	D3606-99 (2007)	0.21	D5580-00	0.1409 (X) ^{1,133}
Olefins	V%	D1319-02a (2003)	0.32 (x) ^{0.5}	D6550-00 (2005) if correlated to D1319	0.32 (X) ^{0.5} ; Footnote 1
Oxygenates	W%	D5599-00	See test method	D4815-99 (2004)	See test method
	W%	D4815-99 (2004) ^B	See test method		
Vapor Pressure (Correlation Equation) ^{Footnote 2}	psi	D5191-01 (2007)	0.3	13-CCR Section 2297	0.21
Sulfur	wppm	D2622-98 (2005)		D5453-93	0.2217 (x) ^{0.92} wppm
				D2622-94 (modified)	10-30 wppm R=0.405 (x) >30 wppm R =0.192 (x)
Distillation T50	deg F	D86-01 (2007b)	See test method	D86-99ae1	See test method
Distillation T90	deg F	D86-01 (2007b)	See test method	D86-99ae1	See test method

^AA refinery refiner, blender, or importer may determine aromatics content using ASTM D1319-02a (2003) D1319-20a if the result is correlated to ASTM D5769-98 (2004) D5769-20.

^BA refinery refiner, blender, or importer may determine oxygenate content using ASTM D4815-99 (2004) if the result is correlated to ASTM D5599-00 (2005).

Footnotes:

1. ~~Replace the last sentence in ASTM D6550-00 (2005) 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, the only correlation equation to be used is equation 1 in ASTM D5191-07, Section 14.2, ASTM equation ((.965X)-A).~~

3556

<u>Fuel Parameter</u>	<u>Units</u>	<u>Approved Test Methods</u>
<u>Aromatics</u>	<u>V%</u>	<u>D1319-20a^A, D5769-20, D5580-02 (2007)</u>
<u>Benzene</u>	<u>V%</u>	<u>D3606-21, D5580-02 (2007)</u>
<u>Olefins</u>	<u>V%</u>	<u>D1319-20a, D6550-10 (2010)^{Footnote 1}, D8071-21</u>
<u>Oxygenates</u>	<u>W%</u>	<u>D4815-09 (2009), D4815-15b (2019)^B, D5599-18</u>
<u>Vapor Pressure</u> <u>(Correlation</u> <u>Equation)^{Footnote 2}</u>	<u>psi</u>	<u>D5191-20, 13 CCR Section 2297</u>
<u>Sulfur</u>	<u>wppm</u>	<u>D2622-21, D5453-93 (1993)</u>
<u>Distillation T50</u>	<u>°F</u>	<u>D86-99aε1, D86-20b</u>
<u>Distillation T90</u>	<u>°F</u>	<u>D86-99aε1, D86-20b</u>

Footnotes:

1. Replace the last sentence in ASTM D6550-00 (2010) 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, the only correlation equation to be used is equation 1 in ASTM D5191-20, Section 14.2, ASTM equation ((.965X)-A).

3557

3558 **R3-7-760. Compliance Surveys**

3559 A registered supplier shall conduct surveys for oxygenate blending during the winter, and a
3560 compliance survey during the summer. The winter survey shall be conducted following the
3561 requirements in subsection (A), or using an independent third-party surveyor following the
3562 requirements in subsections (B) and (D). The summer survey shall be conducted following
3563 the requirements in subsection (C), or using an independent third-party surveyor following
3564 the requirements in subsections (C) and (D).

3565 ~~A. A registered supplier that elects to certify that Arizona CBG or AZRBOB meets an~~
3566 ~~averaging standard under R3-7-751 shall ensure that compliance surveys are conducted~~
3567 ~~in accordance with a compliance survey program plan approved by the associate~~
3568 ~~director. The associate director shall approve a compliance survey program plan if it:~~

3569 ~~1. Consists of at least four VOC and NOx surveys conducted at least one per month~~
3570 ~~between May 1 through September 15 of each year, and~~

3571 ~~2. Complies with subsection (J).~~

3572 A. Surveys for oxygenate blending during the winter. A registered supplier supplying
3573 AZRBOB from a production or import facility shall conduct an oxygenate blending
3574 survey program to be carried out at the facilities of each oxygenate blender who blends
3575 any AZRBOB produced or imported by the refiner or importer with any oxygenate, to
3576 determine whether the Arizona CBG, which has been produced through blending,
3577 complies with the applicable standards using the methodology specified in R3-7-759.

3578 The sampling and testing program shall be conducted as follows:

- 3579 1. Samples shall be collected in accordance with ASTM D4057-19 and be analyzed for
3580 oxygenates. All samples shall be collected subsequent to the addition of oxygenate
3581 and prior to combining the resulting gasoline with any other gasoline.
- 3582 2. Sampling and testing shall be at one of the following rates, regardless of the amount
3583 of oxygenate added:
- 3584 a. In the case of AZRBOB which is blended with oxygenate in a gasoline
3585 storage tank, a rate of not less than one sample for every 400,000 barrels of
3586 AZRBOB produced or imported by that refiner or importer that is blended by
3587 that oxygenate blender, or one sample every month, whichever is more
3588 frequent;
- 3589 b. In the case of AZRBOB which is blended with oxygenate in gasoline
3590 delivery trucks through the use of computer-controlled in-line blending
3591 equipment, a rate of not less than one sample for every 200,000 barrels of
3592 AZRBOB produced or imported by that refiner or importer that is blended by
3593 that oxygenate blender, or one sample every three months, whichever is more
3594 frequent; or
- 3595 c. In the case of AZRBOB which is blended with oxygenate in gasoline
3596 delivery trucks without the use of computer-controlled in-line blending
3597 equipment, a rate of not less than one sample for each 50,000 barrels of
3598 AZRBOB produced or imported by that refiner or importer which is blended,
3599 or one sample per month, whichever is more frequent.
- 3600 3. In the event that the test results for any sample indicate the gasoline does not comply
3601 with applicable standards, including reproducibility, the refiner or importer shall:

- 3602 a. Immediately take steps to stop the sale of the gasoline that was sampled;
3603 b. Take steps which are reasonably calculated to determine and correct the
3604 cause of the noncompliance;
3605 c. Increase the rate of sampling and testing to double the required frequency
3606 outlined in subsection (A)(2); and
3607 d. Continue the increased frequency of sampling and testing until the results of
3608 ten consecutive samples and tests indicate the gasoline complies with
3609 applicable standards, at which time the sampling and testing may be
3610 conducted at the original frequency.

3611 4. This survey program conducted by a registered supplier shall be conducted in
3612 addition to any survey requirements carried out under this subsection by other
3613 registered suppliers.

3614 ~~**B.** If a registered supplier fails to ensure that an approved compliance survey program is~~
3615 ~~conducted, the associate director shall issue an order requiring the registered supplier to~~
3616 ~~comply with all applicable fuel property and performance standards on a per-gallon~~
3617 ~~basis for six months or through the end of the survey period identified in subsection~~
3618 ~~(A)(1), whichever is longer. Regardless of when a failure to survey occurs, the associate~~
3619 ~~director's order shall require compliance with per-gallon standards from the beginning of~~
3620 ~~the survey period during which the failure to survey occurs.~~

3621 **B.** Instead of conducting the oxygenate blending survey program in subsection (A), the
3622 registered supplier may use an independent third-party surveyor to conduct a winter
3623 oxygenate blending survey that meets the following requirements:

- 3624 1. Designed and conducted by an independent third-party surveyor that meets the
3625 requirements of subsection (D)(2)(a);
- 3626 2. Conducted November 1 through March 31 on all samples collected under the
3627 program design approved by the associate director under subsection (D);
- 3628 3. Involves sampling and testing that is representative of all Arizona CBG dispensed in
3629 the CBG-covered area, including a representative number of E15 samples;
- 3630 4. Analyzes each sample for oxygenate according to the methodologies specified in
3631 R3-7-759;
- 3632 5. Collects samples of gasoline produced at blender pumps using “Method #1” of the
3633 E15 Sampling Procedure specified in NIST Handbook 158;
- 3634 6. Verifies compliance of E15 labeling requirements at gasoline retail outlets that offer
3635 E15 for sale; and
- 3636 7. Includes a sufficient amount of samples to ensure that the average levels of oxygen
3637 is determined at a 95 percent confidence level with an error of 0.1 percent or less for
3638 oxygen by weight.
- 3639 ~~C. General compliance survey requirements. A registered supplier shall ensure that a~~
3640 ~~compliance survey conforms to the following:~~
- 3641 ~~1. Consists of all samples that are collected under an approved survey program plan~~
3642 ~~during any consecutive seven days and that are not excluded under subsection~~
3643 ~~(C)(4);~~
- 3644 ~~2. Is representative of all Arizona CBG being dispensed in the CBG covered area as~~
3645 ~~provided in subsection (G);~~

- 3646 ~~3. Analyzes each sample included in the compliance survey for oxygenate type and~~
3647 ~~content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and vapor pressure~~
3648 ~~according to the test methods in R3-7-759. Vapor pressure is required to be analyzed~~
3649 ~~only from May 1 through September 15;~~
- 3650 ~~4. Bases the results of the compliance survey upon an analysis of each sample collected~~
3651 ~~during the course of the compliance survey, unless a sample does not comply with~~
3652 ~~the applicable per gallon maximum or minimum fuel property standard being~~
3653 ~~evaluated in addition to any reproducibility that applies to the fuel property standard;~~
3654 ~~and~~
- 3655 ~~5. If a laboratory analyzes the compliance survey samples, the laboratory participates in~~
3656 ~~a correlation program with the associate director to ensure the validity of analysis~~
3657 ~~results.~~

- 3658 C. Summer Compliance Surveys. A registered supplier shall ensure that compliance
3659 surveys are conducted in accordance with a compliance survey program plan approved
3660 by the associate director. A registered supplier may use an independent third-party
3661 surveyor as outlined in subsection (D) to conduct a summer compliance survey. The
3662 associate director shall approve a compliance survey program plan if the plan:
- 3663 1. Consists of at least four VOC and NOx surveys conducted at least once per month
3664 between June 1 and September 30 of each year;
- 3665 2. Consists of all samples that are collected under an approved survey program plan
3666 during any consecutive seven days;
- 3667 3. Is representative of all Arizona CBG being dispensed in the CBG-covered area
3668 including a representative number of E15 samples;

- 3669 4. Includes enough samples to ensure that the average levels of oxygen, vapor pressure,
3670 aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined at a 95 percent
3671 confidence level with an error of:
- 3672 a. 0.1 percent or less for oxygen by weight;
 - 3673 b. 0.1 psi for vapor pressure;
 - 3674 c. 0.5 percent for aromatic hydrocarbons by volume;
 - 3675 d. 0.5 percent for olefins by volume;
 - 3676 e. 5° F for T50 and T90; and
 - 3677 f. 10 ppm for sulfur.
- 3678 5. Analyzes each sample included in the compliance survey for oxygenate type and
3679 content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and vapor pressure
3680 according to the test methods in R3-7-759. Vapor pressure is required to be analyzed
3681 only from May 1 through September 30; and
- 3682 6. If a laboratory analyzes the compliance survey samples, the laboratory participates in
3683 a correlation program approved by the associate director to ensure the validity of
3684 analysis results.
- 3685 7. For each compliance survey sample, determine the VOC and NOx emissions
3686 reduction percentage based upon the tested fuel properties for that sample using the
3687 methodology for calculating VOC and NOx emissions reductions under 40 CFR
3688 80.45, as incorporated by reference in R3-7-702.
- 3689 ~~D. If the associate director determines that a sample used in a compliance survey does not~~
3690 ~~comply with R3-7-751 or another requirement under this Article, the associate director~~
3691 ~~shall take enforcement action against the registered supplier.~~

- 3692 **D. An independent third-party surveyor may conduct the winter oxygenate blending survey**
3693 **outlined in subsection (B) and the summer compliance survey outlined in subsection**
3694 **(C), if the survey program:**
- 3695 1. Is approved by the associate director;
 - 3696 2. Is designed and conducted by a third-party surveyor that is independent of the
3697 registered supplier;
 - 3698 a. To be considered independent:
 - 3699 i. The surveyor shall not be an employee of any registered supplier;
 - 3700 ii. The surveyor shall not have an obligation to, or interest in, any registered
3701 supplier; and
 - 3702 iii. The registered supplier shall not have an obligation to or interest in the
3703 surveyor.
 - 3704 3. Requires that the surveyor not provide advance notice, except as provided in
3705 subsection (D)(8), of the date or location of any survey sampling;
 - 3706 4. Provides a duplicate of any sample taken during the survey to the associate director,
3707 upon request of the associate director within 30 days following submission of the
3708 survey report required under subsection (D)(7), including:
 - 3709 a. Information regarding the name and address of the facility from where the
3710 sample was collected, and
 - 3711 b. The date of collection;
 - 3712 5. Requires that the surveyor permit a Division official to monitor sample collection,
3713 transportation, storage, and analysis at any time;

- 3714 6. Requires the laboratory to participate in a correlation program approved by the
3715 associate director to ensure the validity of analysis results;
- 3716 7. Requires the surveyor to submit a report of each survey to the associate director
3717 within 30 days after sampling is completed, including the following information:
- 3718 a. Name of the person conducting the survey;
- 3719 b. Attestation by an officer of the surveyor that the sampling and testing was
3720 conducted according to the compliance survey program plan and the results are
3721 accurate;
- 3722 c. Identification of the registered supplier for whom the compliance survey was
3723 conducted if the compliance survey was conducted for only one registered
3724 supplier;
- 3725 d. Identification of the area from which survey samples were selected;
- 3726 e. Dates on which the survey was conducted;
- 3727 f. Address of each facility at which a sample was collected, and the date of
3728 collection;
- 3729 g. Name and address of each laboratory at which samples were analyzed;
- 3730 h. Description of the method used to select the facilities from which a sample was
3731 collected;
- 3732 i. Number of samples collected from each facility;
- 3733 j. Justification for excluding a collected sample from the survey, if one was
3734 excluded; and
- 3735 k. For a survey conducted under subsection (A), analyzes each sample for
3736 oxygenate according to the methodologies specified in R3-7-759; or

3737 1. For a survey conducted under subsection (C), results of the sample analysis for
3738 oxygenate type, oxygen weight percent, aromatic hydrocarbons, olefin content,
3739 E200, E300, vapor pressure, and the calculated VOC or NOx emissions
3740 reduction percentage, as applicable, for each survey conducted during the period
3741 identified in subsection (C)(1).

3742 8. Begins each survey on a date selected by the associate director, or as approved in the
3743 survey program. The associate director shall notify the surveyor of the date selected
3744 at least 10 business days before the survey is to begin.

3745 ~~E. A registered supplier shall comply with the following VOC and NOx compliance survey~~
3746 ~~requirements:~~

3747 1. ~~For each compliance survey sample, determine the VOC and NOx emissions~~
3748 ~~reduction percentage based upon the tested fuel properties for that sample using the~~
3749 ~~methodology for calculating VOC and NOx emissions reductions at 40 CFR 80.45,~~
3750 ~~as incorporated by reference in R3-7-702;~~

3751 2. ~~The CBG covered area fails a VOC compliance survey if the VOC emissions~~
3752 ~~reduction percentage average of all samples collected during the compliance survey~~
3753 ~~is less than the per-gallon standard for VOC emissions reduction percentage in Table~~
3754 ~~1, column A.~~

3755 3. ~~The CBG covered area fails a NOx compliance survey if the NOx emissions~~
3756 ~~reduction percentage average of all samples collected during the compliance survey~~
3757 ~~is less than the per-gallon standard for NOx emissions reduction percentage in Table~~
3758 ~~1, column A.~~

3759 E. To obtain the associate director's approval of a survey program plan, the person seeking
3760 approval shall:

3761 1. Submit the plan to the associate director no later than January 1 to cover the survey
3762 period of November 1 through March 31 and/or May 1 through September 15 of
3763 each year, as applicable; and

3764 2. Have the plan signed by a corporate officer of the registered supplier or by an officer
3765 of the independent third-party surveyor.

3766 ~~F. A registered supplier shall determine the result of the series of NOx compliance surveys~~
3767 ~~conducted May 1 through September 15 as follows:~~

3768 ~~1. For each compliance survey sample, the NOx emissions reduction percentage is~~
3769 ~~determined based upon the tested fuel properties for that sample using the~~
3770 ~~methodology for calculating NOx emissions reduction at 40 CFR 80.45, as~~
3771 ~~incorporated by reference in R3-7-702; and~~

3772 ~~2. The CBG covered area fails the NOx series of compliance surveys conducted May 1~~
3773 ~~through September 15 if the NOx emissions reduction percentage average for all~~
3774 ~~compliance survey samples collected during that time is less than the Federal~~
3775 ~~Complex Model per-gallon standard for the NOx emissions reduction percentage in~~
3776 ~~Table 1, column A.~~

3777 F. If the associate director determines that a sample used in a compliance survey does not
3778 comply with R3-7-751 or another requirement under this Article, the associate director
3779 may take enforcement action against the registered supplier, oxygenate blender, and/or
3780 retail location.

3781 ~~G. General requirements for an independent surveyor conducting a compliance survey. A~~
3782 ~~registered supplier may have the compliance surveys required by this Section conducted~~
3783 ~~by an independent surveyor. The associate director shall approve a compliance survey~~
3784 ~~program conducted by an independent surveyor if the compliance survey program:~~
3785 ~~1. Is designed and conducted by a surveyor that is independent of the registered~~
3786 ~~supplier. To be considered independent:~~
3787 ~~a. The surveyor shall not be an employee of any registered supplier,~~
3788 ~~b. The surveyor shall not have an obligation to or interest in any registered supplier,~~
3789 ~~and~~
3790 ~~e. The registered supplier shall not have an obligation to or interest in the surveyor;~~
3791 ~~2. Includes enough samples to ensure that the average levels of oxygen, vapor pressure,~~
3792 ~~aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95~~
3793 ~~percent confidence level, with error of less than 0.1 psi for vapor pressure, 0.1~~
3794 ~~percent for oxygen (by weight), 0.5 percent for aromatic hydrocarbons (by volume),~~
3795 ~~0.5 percent for olefins (by volume), 5°F for T50 and T90, and 10 wppm for sulfur;~~
3796 ~~3. Requires that the surveyor not provide advance notice, except as provided in~~
3797 ~~subsection (H), of the date or location of any survey sampling;~~
3798 ~~4. Requires that the surveyor provide a duplicate of any sample taken during the~~
3799 ~~survey, with information regarding the name and address of the facility from and the~~
3800 ~~date on which the sample was taken, upon request of the associate director, within 30~~
3801 ~~days following submission of the survey report required under subsection (G)(6);~~
3802 ~~5. Requires that the surveyor permit a Division official to monitor sample collection,~~
3803 ~~transportation, storage, and analysis at any time;~~

- 3804 ~~6. Requires the surveyor to submit a report of each survey to the associate director~~
3805 ~~within 30 days after sampling for the survey is completed that includes the following~~
3806 ~~information:~~
- 3807 ~~a. Name of the person conducting the survey;~~
 - 3808 ~~b. Attestation by an officer of the surveyor that the sampling and testing was~~
3809 ~~conducted according to the compliance survey program plan and the results are~~
3810 ~~accurate;~~
 - 3811 ~~c. Identification of the registered supplier for whom the compliance survey was~~
3812 ~~conducted if the compliance survey was conducted for only one registered~~
3813 ~~supplier;~~
 - 3814 ~~d. Identification of the area from which survey samples were selected;~~
 - 3815 ~~e. Dates on which the survey was conducted;~~
 - 3816 ~~f. Address of each facility at which a sample was collected, and the date of~~
3817 ~~collection;~~
 - 3818 ~~g. Results of the analysis of samples for oxygenate type and oxygen weight percent,~~
3819 ~~aromatic hydrocarbon, and olefin content, E200, E300, and vapor pressure, and~~
3820 ~~the calculated VOC or NO_x emissions reduction percentage, as applicable, for~~
3821 ~~each survey conducted during the period identified in subsection (A)(1);~~
 - 3822 ~~h. Name and address of each laboratory at which samples were analyzed;~~
 - 3823 ~~i. Description of the method used to select the facilities from which a sample was~~
3824 ~~collected;~~
 - 3825 ~~j. Number of samples collected from each facility;~~

3826 ~~k.—Justification for excluding a collected sample from the survey, if one was~~
3827 ~~excluded; and~~

3828 ~~l.—Average VOC and NO_x emissions reduction percentage.~~

3829 G. If a registered supplier fails to ensure that an approved compliance survey program is
3830 conducted, the associate director may consider all batches delivered into the CBG-
3831 covered area during the survey period as non-compliant.

3832 ~~H. An independent surveyor shall begin each survey on a date selected by the associate~~
3833 ~~director. The associate director shall notify the surveyor of the date selected at least 10~~
3834 ~~business days before the survey is to begin.~~

3835 H. No later than April 1 of each year, a registered supplier that intends to meet the
3836 requirements in subsections (A) and (C) by contracting with an independent
3837 third-party surveyor to conduct the compliance survey plan for the next summer and
3838 winter season shall enter into the contract and pay all of the money necessary to conduct
3839 the compliance survey plan. The registered supplier may pay the money necessary to
3840 conduct the compliance survey plan to the independent third-party surveyor or to an
3841 escrow account with instructions to the escrow agent to release the money to the
3842 independent third-party surveyor as the compliance survey plan is implemented. No later
3843 than April 15, the registered supplier shall submit to the associate director a copy of the
3844 contract with the independent third-party surveyor, proof that the money necessary to
3845 conduct the compliance survey plan has been paid, and, if applicable, a copy of the
3846 escrow agreement.

3847 ~~I.—To obtain the associate director's approval of a compliance survey program plan, the~~
3848 ~~person seeking approval shall:~~

- 3849 ~~1. Submit the plan to the associate director no later than January 1 to cover the survey~~
3850 ~~period of May 1 through September 15 of each year, and~~
- 3851 ~~2. Have the plan signed by a corporate officer of the registered supplier or by an officer~~
3852 ~~of the independent surveyor.~~

3853 I. A registered supplier is exempt from the survey requirements of this section if they
3854 supply less than 1,000,000 gallons of Arizona CBG or AZRBOB within a calendar year.

3855 ~~J. No later than April 1 of each year, a registered supplier that intends to meet the~~
3856 ~~requirements in subsection subsections (A) and (C) by contracting with an independent~~
3857 ~~surveyor to conduct the compliance survey plan for the next summer and winter season~~
3858 ~~shall enter into the contract and pay all of the money necessary to conduct the~~
3859 ~~compliance survey plan. The registered supplier may pay the money necessary to~~
3860 ~~conduct the compliance survey plan to the independent surveyor or to an escrow account~~
3861 ~~with instructions to the escrow agent to release the money to the independent surveyor~~
3862 ~~as the compliance survey plan is implemented. No later than April 15, the registered~~
3863 ~~supplier shall submit to the associate director a copy of the contract with the independent~~
3864 ~~surveyor, proof that the money necessary to conduct the compliance survey plan has~~
3865 ~~been paid, and, if applicable, a copy of the escrow agreement.~~

3866 **R3-7-761. Liability for Noncompliant Arizona CBG or AZRBOB**

3867 **A. Persons liable.** If motor fuel designated as Arizona CBG or AZRBOB does not comply
3868 with R3-7-751, the following are liable for the violation:

- 3869 1. Each person who owns, leases, operates, controls, or supervises a facility where the
3870 noncompliant Arizona CBG or AZRBOB is found;

3871 2. Each registered supplier whose corporate, trade, or brand name, or whose marketing
3872 subsidiary's corporate, trade, or brand name, appears at a facility where the
3873 noncompliant Arizona CBG or AZRBOB is found; and

3874 3. Each person who manufactured, imported, sold, offered for sale, dispensed, supplied,
3875 offered for supply, stored, transported, or caused the transportation of any gasoline
3876 in a storage tank containing Arizona CBG or AZRBOB found to be noncompliant.

3877 **B. Defenses.**

3878 1. A person who is otherwise liable under subsection (A) is not liable if that person
3879 demonstrates:

3880 a. That the violation was not caused by the person or person's employee or agent;

3881 b. That product transfer documents account for all of the noncompliant Arizona
3882 CBG or AZRBOB and indicate that the Arizona CBG or AZRBOB complied
3883 with this Article; and

3884 c. That the person had a quality assurance sampling and testing program, as
3885 described in subsection (C) in effect at the time of the violation; except that any
3886 person who transfers Arizona CBG or AZRBOB, but does not assume title, may
3887 rely on the quality assurance program carried out by another person, including
3888 the person who owns the noncompliant Arizona CBG or AZRBOB, provided the
3889 quality assurance program is properly administered.

3890 2. If a violation is found at a facility that operates under the corporate, trade, or brand
3891 name of a registered supplier, that registered supplier must show, in addition to the
3892 defense elements in subsection (B)(1), that the violation was caused by:

- 3893 a. A violation of law other than A.R.S. Title 3, Chapter 19, Article 6, this Article,
3894 or an act of sabotage or vandalism;
- 3895 b. A violation of a contract obligation imposed by the registered supplier designed
3896 to prevent noncompliance, despite periodic compliance sampling and testing by
3897 the registered supplier; or
- 3898 c. The action of any person having custody of Arizona CBG or AZRBOB not
3899 subject to a contract with the registered supplier but engaged by the registered
3900 supplier for transportation of Arizona CBG or AZRBOB, despite specification or
3901 inspection of procedures and equipment by the registered supplier designed to
3902 prevent violations.
- 3903 3. To show that the violation was caused by any of the actions in subsection (B)(2), the
3904 person must demonstrate by ~~reasonably specific~~ a preponderance of the evidence,
3905 that the violation was caused or must have been caused by another person.
- 3906 C. Quality assurance sampling and testing program. To demonstrate an acceptable quality
3907 assurance program for Arizona CBG or AZRBOB, at all points in the gasoline
3908 distribution network, other than at a motor fuel dispensing site or ~~fleet owner-vehicle~~
3909 fueling facility, a person shall present evidence:
- 3910 1. Of a periodic sampling and testing program to determine compliance with the
3911 maximum or minimum standards in R3-7-751; and
- 3912 2. That each time Arizona CBG or AZRBOB is noncompliant with one of the
3913 requirements in R3-7-751:

- 3914 a. The person immediately ceases selling, offering for sale, dispensing, supplying,
3915 offering for supply, storing, transporting, or causing the transportation of the
3916 noncompliant Arizona CBG or AZRBOB; and
- 3917 b. The person remedies the violation as soon as practicable.

3918 **R3-7-762. Penalties**

3919 Any person who violates any provision of this Article is subject to the following:

- 3920 1. Prosecution for a Class 2 misdemeanor under A.R.S. § 3-3473(B)(4);
- 3921 2. Civil penalties ~~in the amount of \$500 per violation~~ under A.R.S. §§ 3-3473 and 3-
3922 3475; and
- 3923 3. Stop-use, stop-sale, hold, and removal orders under A.R.S. § 3-3415(A)(2).

3924 **Table 1. Type 1 Arizona CBG Standards**

3925 **Table 1. Repealed**

	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 through Sept. 15	27.5	29.0	25.0	N/A
NOx Emission Reduction (%) May 1 through 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) November 1 – March 31*** April 1 – October 31	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than fuel ethanol, (% by weight) November 1 – March 31*** April 1 – October 31	N/A 0.0	N/A N/A	N/A 0.0	N/A ****3.5

* Maximum oxygen content shall comply with the EPA oxygenate waiver requirements and with A.R.S. § 3-3491.
 ** Dates represent compliance dates for the owner of a motor fuel dispensing site or a fleet vehicle fueling facility.
 *** A registered supplier shall certify all Arizona CBG as Type 2 Arizona CBG meeting the standards in Table 2 beginning November 1 through March 31.
 **** Unless prohibited by A.R.S. § 3-3491.

3926

3927 **Table 2. Type 2 Arizona CBG Standards**

3928 **Table 2. Repealed**

	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	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	5 by volume
90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Oxygen content: fuel ethanol** November 1 – March 31	10% fuel ethanol**	–	10% fuel ethanol**	% by volume
April 1 – October 31		–		
The maximum oxygen content EtOH Year around		–	4.0	% by weight
Oxygen content: isobutanol** November 1 – March 31	12.5% isobutanol	–	12.5% isobutanol	% by volume
April 1 – October 31		–		
The maximum oxygen content year around		–	3.5	% by weight
* Instead of the standards in columns B and C, a registered supplier may comply with the standards contained in column A, and R3-7-751(G), (H), and (I) 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 or isobutanol as the oxygenate beginning November 1 through March 31. Alternative oxygenate contents not less than 2.7% total oxygen may be used if approved by the associate director under A.R.S. § 3-3493(C).				

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

3929

3930 **Table 3. Repealed**

3931

ARTICLE 8. RESERVED

3932

ARTICLE 9. GASOLINE VAPOR CONTROL FOR SITES WITH BOTH STAGE I

3933

AND STAGE II VAPOR RECOVERY SYSTEMS

3934

3935 **R3-7-901. Material Incorporated by Reference**

3936 The following documents are incorporated by reference and on file with the Division. The
3937 documents incorporated by reference contain no later amendments or editions:

- 3938 1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for
3939 Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II:
3940 Appendices, November 1991 edition (EPA450/391022b), published by the U.S.
3941 Environmental Protection Agency, Office of Air Quality, Planning and Standards,
3942 Research Triangle Park, North Carolina 27711.
- 3943 2. San Diego County Air Pollution Control District Test Procedure TP-96-1, March
3944 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San
3945 Diego, CA 92123-1096.
- 3946 3. The following CARB test procedures:
- 3947 a. California Environmental Protection Agency, Air Resources Board Vapor
3948 Recovery Test Procedure TP-201.4, Determination of Dynamic Pressure
3949 Performance of Vapor Recovery Systems of Dispensing Facilities, April 12,

- 3950 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street,
3951 Sacramento, California 95812-2815.
- 3952 b. California Environmental Protection Agency, Air Resources Board Vapor
3953 Recovery Test Procedure TP-201.5, Determination (by Volume Meter) of Air to
3954 Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities, April
3955 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street,
3956 Sacramento, California 95812-2815.
- 3957 c. California Environmental Protection Agency, Air Resources Board Vapor
3958 Recovery Test Procedure TP-201.2C, Determination of Spillage of Phase II
3959 Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition,
3960 California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento,
3961 California 95812-2815.
- 3962 d. California Environmental Protection Agency, Air Resources Board Vapor
3963 Recovery Test Procedure TP-201.6, Determination of Liquid Removal of Phase
3964 II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition,
3965 California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento,
3966 California 95812-2815.
- 3967 e. California Environmental Protection Agency, Air Resources Board Vapor
3968 Recovery Test Procedure TP-201.2B, Determination of Flow Versus Pressure for
3969 Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities, April
3970 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street,
3971 Sacramento, California 95812-2815.

- 3972 f. California Environmental Protection Agency, Air Resources Board Vapor
3973 Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1
3974 Adaptors, October 8, 2003 edition, California Air Resources Board, P.O. Box
3975 2815, 2020 L. Street, Sacramento, California 95812-2815.
- 3976 g. California Environmental Protection Agency, Air Resources Board Vapor
3977 Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve
3978 Assembly, October 8, 2003 edition, California Air Resources Board, P.O. Box
3979 2815, 2020 L. Street, Sacramento, California 95812-2815.
- 3980 h. California Environmental Protection Agency, Air Resources Board Vapor
3981 Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of
3982 Pressure/Vacuum Vent Valves, October 8, 2003 edition, California Air
3983 Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-
3984 2815.

3985 **R3-7-902. Exemptions**

- 3986 **A.** The owner or operator of a gasoline dispensing site that has decommissioned the site's
3987 stage II vapor recovery system in accordance with R3-7-913 or that is subject to A.R.S.
3988 § 3-3512, is exempt from the provisions of this Article but shall comply with the
3989 provisions of Article 10.
- 3990 **B.** The owner or operator of a gasoline dispensing site that has a throughput that does not
3991 exceed the throughput specified in A.R.S. § 3-3515(B) may obtain an exemption by
3992 submitting a written request to the Division attesting that throughput at the gasoline
3993 dispensing site is not in excess of that specified in A.R.S. § 3-3515(B). By the 15th of
3994 each month, beginning the month after the Division approves the exemption, the person

3995 shall submit a written throughput report to the Division. If a person does not timely file a
3996 monthly throughput report or if a monthly throughput report reflects that the exemption
3997 limit is exceeded, the Division deems the exemption void.

3998 **C.** To obtain an independent small business marketer exemption, a person shall derive at
3999 least 50 percent of the person's annual income from the sale of gasoline at each gasoline
4000 dispensing site for which an exemption is requested. The person shall submit a written
4001 request for exemption to the Division. The Division shall determine the percentage of
4002 total annual income represented by the sale of gasoline on the basis of the person's state
4003 and federal gross income for the preceding year for income tax purposes. The following
4004 items are excluded from income computations:

- 4005 1. Purchase and sale of diesel fuel, and
- 4006 2. State lottery sales net commissions and incentives.

4007 **D.** Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling
4008 facilities are exempt from stage II vapor recovery requirements.

4009 **R3-7-903. Equipment and Installation**

4010 **A.** A person subject to A.R.S. § 3-3515 shall install, maintain, and operate a stage I and
4011 stage II vapor recovery system and component as specified in this Article until the stage
4012 II vapor recovery system is decommissioned in accordance with R3-7-913.

4013 **B.** The Division shall reject a vapor recovery system or component from future installation
4014 if:

- 4015 1. Federal regulations prohibit its use;
- 4016 2. The vapor recovery system or component does not meet the manufacturer's
4017 specifications as certified by CARB using test methods approved in R3-7-901; or

4018 3. The vapor recovery system or component fails greater than 20% of Division
4019 inspections for that system or component or the Division receives equivalent failure
4020 results from a vapor recovery registered service agency or from another jurisdiction's
4021 vapor recovery program, and the Division provides at least 30 days public notice of
4022 its proposed rejection.

4023 C. The piping of both a stage I and stage II vapor recovery system shall be designed and
4024 constructed as certified by CARB for that specific vapor recovery system. A person shall
4025 not alter a stage I and stage II vapor recovery system or component from the CARB-
4026 certified configuration without obtaining Division approval under R3-7-904.

4027 D. If Division inspection or test data reveal a deficiency in a fitting, assembly, or
4028 component that cannot be permanently corrected, the deficient fitting, assembly, or
4029 component shall not be used in Arizona.

4030 E. A stage I spill containment may have a plugged drain rather than a drain valve if a hand-
4031 operated pump is kept onsite for draining entrapped liquid. A stage II vapor recovery
4032 system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for
4033 gasoline storage tanks.

4034 **R3-7-904. Application Requirements and Process for Authority to Construct Plan**

4035 **Approval**

4036 A. A person shall not begin to construct a site requiring a vapor recovery system or to make
4037 a major modification of an existing vapor recovery system or component before
4038 obtaining approval of an authority to construct plan application. A major modification
4039 is:

- 4040 1. Adding or replacing a gasoline storage tank that is equipped with a Division
4041 approved stage II vapor recovery system;
- 4042 2. Adding or replacing underground piping, vapor piping within a dispenser, or a
4043 dispenser at an existing vapor recovery site unless the dispenser replacement is
4044 necessary due to unforeseen damage to the existing dispenser; or
- 4045 3. Replacing a Division-approved stage II vapor recovery system of one certified
4046 configuration with an approved stage II vapor recovery system of a different
4047 certified configuration.
- 4048 **B.** A person shall file with the Division a written change order to an authority to construct
4049 plan approval on a form provided by the Division if a modification of the approved
4050 vapor recovery system or component is needed after the Division issues an authority to
4051 construct plan approval. The person shall not make any modification until the Division
4052 approves the change order.
- 4053 **C.** To obtain an authority to construct plan approval, a person shall submit to the Division,
4054 on a form provided by the Division, the following:
- 4055 1. The name, address, and phone number of any owner, operator, and proposed
4056 contractor, if known;
- 4057 2. The name of the stage I or stage II vapor recovery system or component to be
4058 installed along with the CARB certification for that system or component;
- 4059 3. The street address of the site where construction or major modification will take
4060 place with an estimated timetable for construction or modification;
- 4061 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component
4062 including all equipment and piping detail; and

- 4063 5. The application fee specified under R3-7-906.
- 4064 **D.** After review and approval of the authority to construct plan, the Division shall issue the
4065 authority to construct plan approval and mail the plan approval to the address indicated
4066 on the application.
- 4067 1. A copy of the authority to construct plan approval shall be maintained at the facility
4068 during construction so that it is accessible for Division review.
- 4069 2. Construction of a stage II vapor recovery system or component at a site not having
4070 an approved authority to construct plan, shall be stopped and no further installation
4071 work done until an authority to construct plan approval is obtained.
- 4072 3. An authority to construct plan approval is not transferable.
- 4073 **E.** The Division shall deny an authority to construct plan for any of the following reasons:
4074 1. Providing incomplete, false, or misleading information; or
4075 2. Failing to meet the requirements stated in this Chapter.
- 4076 **F.** If excavation is involved, the Division may visually inspect the stage II underground
4077 piping of a gasoline dispensing site before the pipeline is buried, for compliance with the
4078 authority to construct plan approval. A person who owns or operates a vapor recovery
4079 system or component shall give the Division notice by fax or e-mail at least two
4080 business days before the underground piping is complete. The Division shall require the
4081 owner or operator to excavate all piping not inspected before burial if the owner or
4082 operator does not give the required two business days' notice.
- 4083 **G.** After construction is complete, a person who has a valid authority to construct plan
4084 approval may dispense gasoline for up to 90 days before final approval, if an initial
4085 inspection is scheduled according to R3-7-905.

4086 **H.** An authority to construct plan approval expires one year from the date of issue or the
4087 completion of construction, whichever is sooner.

4088 **R3-7-905. Initial Inspection and Testing**

4089 **A.** Within 10 days after beginning the dispensing of gasoline at a site that requires an
4090 authority to construct plan approval, a person shall provide the Division with a written
4091 certification of completion by the contractor and schedule an inspection that includes
4092 tests and acceptance criteria specified in the authority to construct plan approval. The
4093 inspection shall be witnessed by the Division at a time approved by the Division and
4094 include any of the following relevant to the specific vapor recovery system installed:

- 4095 1. A dynamic pressure performance test from each dispenser for each product grade to
4096 its associated underground storage tank;
- 4097 2. A pressure decay test for each vapor control system including nozzles, underground
4098 storage tanks, and tank vents. This test shall be performed with caps removed from
4099 stage I fill and vapor risers. If the pressure decay test in R3-7-901(1) is used, the
4100 Division shall fail the vapor recovery system if gasoline storage tanks have less than
4101 10 percent or greater than 60 percent vapor space. If the pressure decay test in R3-7-
4102 901(2) is used, the Division shall fail the vapor recovery system if gasoline storage
4103 tanks have less than 15 percent or more than 30,000 gallons vapor space. The
4104 Division shall compute combined tank vapor space for manifolded systems;
- 4105 3. Communication from dispenser to tanks for each product, using the San Diego TP-
4106 96-1 and CARB TP-201.4 test procedures;

- 4107 4. Air to liquid volume ratio by volume meter of a vapor recovery system, using CARB
4108 TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L)
4109 ratios;
- 4110 5. Spillage of a stage II vapor recovery system, using the CARB TP-201.2C procedure;
- 4111 6. Liquid removal of a stage II vapor recovery system, using the CARB TP-201.6
4112 procedure;
- 4113 7. Flow versus pressure for components in a stage II vapor recovery system, using the
4114 CARB TP-201.2B procedure; and
- 4115 8. Procedures specified by a manufacturer for testing the vapor recovery system.
- 4116 **B.** If there is a difference between a testing contractor's and the Division's test results, the
4117 Division's test results prevail.
- 4118 **C.** If a site fails to pass any of the tests required by subsection (A), the affected vapor
4119 recovery system or component shall remain out-of-service until the vapor recovery
4120 system and component pass all the appropriate tests in subsection (A).
- 4121 **D.** A person who cancels an initial inspection shall notify the Division by calling the
4122 Division's designated telephone number at least one hour before the scheduled
4123 inspection and shall reschedule the inspection within 10 business days after this
4124 notification. The Division shall take enforcement action if a person fails to comply with
4125 this Section.
- 4126 **E.** A person shall notify the Division when a vapor recovery system or component is
4127 repaired after failing an initial inspection. A registered service representative shall not
4128 proceed with a reinspection until the Division approves the reinspection date and time.

4129 **F.** If a registered service representative does not start an initial inspection pressure decay
4130 test within 30 minutes of the scheduled start time, the Division shall fail the initial
4131 inspection of that site.

4132 **G.** If a person cancels an initial inspection, the person shall reschedule the inspection within
4133 90 days from the date gasoline was first dispensed.

4134 1. The Division shall take enforcement action if the person fails to timely reschedule
4135 the inspection.

4136 2. The registered service agency shall notify the Division in writing at least 10 business
4137 days before the inspection of the time, date, and location of the inspection.

4138 3. The Division shall notify the registered service agency within five business days, by
4139 facsimile or electronic mail, whether it approves the inspection date and time.

4140 **R3-7-906. Fee**

4141 The authority to construct plan approval fee is \$250.

4142 **R3-7-907. Operation**

4143 **A.** The owner or operator of a gasoline dispensing site with stage II vapor recovery shall
4144 not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless
4145 stage II vapor recovery equipment is installed, maintained, operating, and being used
4146 according to the requirements of A.R.S. Title3, Chapter 19, Article 7, and this Article.

4147 **B.** The owner or operator of a gasoline dispensing site with stage II vapor recovery shall
4148 operate the stage II vapor recovery system and associated components in compliance
4149 with the CARB certification for that system and these rules.

4150 C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall
4151 inspect the system and its components daily. Daily inspections shall include all nozzles,
4152 hoses with connecting hardware, stage I fittings, and spill containment.

4153 D. The owner or operator of a gasoline dispensing site shall immediately stop using a stage
4154 II vapor recovery system or component if one or more of the following system or
4155 component defects occur:

- 4156 1. A faceplate or facecone of a balance system nozzle does not make a good seal with a
4157 vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or
4158 more of its circumference. These conditions also apply to a vacuum assist system
4159 that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
- 4160 2. When more than 1/4 of the cone is missing for vapor assist systems having
4161 bellowless nozzles with flexible vapor deflecting cones;
- 4162 3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole
4163 measuring 1/2 inch or more in diameter, or a slit or tear measuring one inch or more
4164 in length;
- 4165 4. A nozzle bellows is loosely attached to the nozzle body, attached by means other
4166 than that approved by the manufacturer, or a vapor check valve is frozen in the open
4167 position due to impaired motion of the bellows;
- 4168 5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or
4169 latching knurl for holding the nozzle in place during vehicle fueling is damaged or
4170 missing, or a nozzle is without a functioning hold-open latch;

- 4171 6. Any nozzle with a defective vapor check valve, or hose having a disengaged
4172 breakaway, when all other nozzles are capable of delivering the same grade of fuel
4173 from the same turbine pump;
- 4174 7. Any vacuum assist nozzle having less than the acceptable number of open vapor
4175 collection holes specified by CARB for the particular model of nozzle in service, the
4176 nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with
4177 the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in
4178 the tip of the spout is loose;
- 4179 8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only one
4180 nozzle associated with the product supply pump is operating, or a flow restrictor is
4181 improperly installed, leaking, or non-CARB approved;
- 4182 9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence
4183 of product leakage, or a breakaway not approved for the installed system;
- 4184 10. A dispenser mounted vacuum pump that is not functioning;
- 4185 11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
- 4186 a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return
4187 flow of vapor;
- 4188 b. For a balance hose, has any slits or tears greater than 1/4 inch in length,
4189 perforations greater than 1/8 inch in diameter, or assist system hoses that are cut,
4190 torn, or badly worn so as to cause a possible fuel leak;
- 4191 c. Does not fully retract, for approved dispenser configurations using hose
4192 retractors, or a balance system hose that exceeds the 10-inch loop requirement
4193 where required, or for a hose length that allows a balance hose to touch the

4194 ground, or for a vacuum assist hose having more than 6 inches in contact with
4195 the ground;

4196 d. Does not swivel at the hose/nozzle connection; or

4197 e. Does not have a required internal liquid pick-up or the hose with liquid pick-up
4198 is improperly assembled for the pick-up to properly function;

4199 12. Tank vent pipes that are not the proper height, or are not properly capped with
4200 approved pressure and vacuum vent valve settings, or where required, vent pipes that
4201 do not meet the CARB-specified paint color code for the installed system;

4202 13. The stage I installation is not properly installed or maintained, in that:

4203 a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or
4204 otherwise improperly installed, or spill containment buckets are not clean and
4205 empty of liquid, or there are non-functioning drain valves, or drain valves that do
4206 not seal;

4207 b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with
4208 a fill or vapor cap that is not installed, is missing, broken, or without gaskets;

4209 c. Coaxial stage I that is not equipped with a functioning CARB-approved
4210 poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or
4211 without gaskets; or

4212 d. A fill tube is missing, not sealed, has holes, broken or damaged overflow
4213 preventors, or if the high point of the bottom opening is more than 6 inches
4214 above the tank bottom;

4215 14. The tank rise cap with instrument lead wire for an electronic monitoring system is
4216 not tightly installed, or any other tank riser is not securely sealed and capped;

- 4217 15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does
4218 not slope to the underground vapor pipe riser, hoses used for connection are
4219 deteriorated or not approved for use with gasoline, resettable impact type shear
4220 valves are closed, or there is any other valve or restriction to impede the vapor path;
- 4221 16. An above-ground storage tank that does not display a permanently attached UL
4222 approval plaque;
- 4223 17. A vacuum assist system with an inoperative central vacuum unit;
- 4224 18. A vacuum assist system with an inoperative vapor processing (burner) unit;
- 4225 19. A vacuum assist system with a monitoring system certified by CARB or the
4226 authority to construct that is not operational or malfunctions; or
- 4227 20. Any other component identified in the diagrams, exhibits, attachments or other
4228 documents that are certified by CARB or required by the authority to construct for
4229 that system is missing, disconnected, or malfunctioning.
- 4230 **E.** The owner or operator of a gasoline dispensing site shall inspect for the presence and
4231 proper placement of public information signs required by A.R.S. § 3-3515(E) and this
4232 Article.
- 4233 **F.** For a stage II vacuum assist vapor recovery system, the owner or operator of a gasoline
4234 dispensing site shall immediately place damaged or malfunctioning equipment out of
4235 service and shall notify the Division by fax or e-mail no more than one day after the
4236 malfunction of a central vacuum or processor unit. Once the equipment or system is
4237 repaired, the owner or operator shall provide written notice within five days of the repair
4238 to the Division.

4239 **G.** For proper operation of a stage I system, under A.R.S. § 3-3512(C)(4), the owner or
4240 operator of a gasoline dispensing site shall recover vapors during pump-out from a
4241 gasoline storage tank to a mobile transporter.

4242 **H.** The owner or operator of a gasoline dispensing site shall ensure that any underground
4243 tightness test is conducted in a manner that prevents gasoline vapors being emitted to the
4244 atmosphere.

4245 **R3-7-908. Training and Public Education**

4246 **A.** Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain
4247 adequate training and written instructions to enable the system to be installed, operated
4248 and maintained properly in accordance with the manufacturer's specifications and CARB
4249 certification. The operator shall maintain documentation of this training onsite and make
4250 the documentation available to the Division on request.

4251 **B.** In addition to the information required in A.R.S. § 3-3515(E), an operator of a gasoline
4252 dispensing site with stage II vapor recovery shall display a Division telephone number
4253 that the public can call to report nozzle or other equipment problems. The operator shall
4254 place the required information on each face of each gasoline dispenser. The headings
4255 shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs,
4256 and from up to 6 feet away for permanent (nondecal) signs. Decals shall be located on
4257 the upper 60% of each face of each dispenser.

4258 **R3-7-909. Recordkeeping and Reporting**

4259 **A.** The owner or operator of a gasoline dispensing site employing stage II vapor recovery
4260 shall maintain daily records of the inspections done under this Article.

4261 **B.** The owner or operator of a gasoline dispensing site employing stage II vapor recovery
4262 shall maintain a log and related records of all regularly scheduled maintenance and any
4263 repairs that have been made to stage II equipment.

4264 **C.** The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 3-
4265 3515(B) from requirements to install and operate stage II vapor recovery equipment,
4266 shall maintain a log at the site showing monthly throughputs. The owner or operator
4267 shall submit throughput records to the Division as required under R3-7-902(B). If any
4268 throughput requirement provided in A.R.S. § 3-3515(B) and this Article is exceeded for
4269 any month, the owner or operator shall notify the Division in writing within 30 days.
4270 The owner or operator shall within six months after the end of the month the throughput
4271 is exceeded, install and operate a stage II vapor recovery system conforming to this
4272 Article.

4273 **D.** The owner or operator of a gasoline dispensing site shall keep all records required by
4274 this Article at the gasoline dispensing site for at least one year and shall make these
4275 records available to the Division upon request.

4276 **R3-7-910. Annual Inspection and Testing**

4277 **A.** A person shall ensure that an annual inspection is conducted by a registered service
4278 representative on or before the annual inspection date. The annual inspection date is the
4279 last day of the month in which the last scheduled annual inspection was performed. A
4280 registered service agency shall notify the Division in writing at least 10 business days
4281 before an annual inspection of the time, date, and location of the inspection. The
4282 Division shall notify the registered service agency within five business days, by fax or e-
4283 mail, whether it approves the annual inspection date and time. The registered service

4284 agency shall not perform the annual inspection unless the Division approves the
4285 inspection date and time.

4286 **B.** The annual inspection shall include the tests defined in R3-7-905(A)(1) through (8) that
4287 pertain to the specific vapor recovery system installed.

4288 **C.** If there is a difference between a testing contractor's and the Division's test results, the
4289 Division's test results prevail.

4290 **D.** If a site fails to pass any of the tests required by subsection (B), the affected vapor
4291 recovery system or component shall remain out-of-service until the vapor recovery
4292 system and component pass all appropriate tests in subsection (B).

4293 **E.** After an annual inspection begins, a person shall not make a repair to the vapor recovery
4294 system or component until the results of the inspection are recorded.

4295 **F.** A registered service representative shall perform all tests according to Article 9 and any
4296 other vapor recovery procedure that the Division issues to registered service agencies.

4297 **G.** A person who cancels a witnessed inspection shall notify the Division by calling the
4298 Division's designated telephone number at least one hour before the scheduled
4299 inspection and shall reschedule the test to be completed by the annual inspection date. A
4300 registered service agency shall notify the Division in writing at least 10 business days
4301 before an annual inspection of the time, date, and location of the inspection. The
4302 Division shall notify the registered service agency within five business days, by fax or e-
4303 mail, of its approval of the inspection date and time. The Division shall take
4304 enforcement action if a person does not comply with this subsection.

4305 **R3-7-911. Compliance Inspections**

4306 The Division shall not announce when it plans to conduct a compliance inspection of a stage
4307 I or stage II vapor recovery system or component. If results of a compliance inspection
4308 reveal a violation of A.R.S. Title 3, Chapter 19, or this Article, the Division shall require the
4309 vapor recovery system or component to undergo an appropriate test as specified in R3-7-
4310 910.

4311 **R3-7-912. Enforcement**

4312 If the Division finds that a stage II vapor recovery system or component is defective or non-
4313 compliant with one or more of the provisions of this Chapter or A.R.S. Title 3, Chapter 19,
4314 the Division shall issue to the owner or operator an administrative order and place a stop-
4315 sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or
4316 operator may be required to schedule an inspection for a stage II vapor recovery system or
4317 component to ensure that it meets all requirements of A.R.S. Title 3, Chapter 19 and this
4318 Chapter before the vapor recovery system or component is placed in service.

4319 **R3-7-913. Stage II Decommissioning**

4320 **A.** The owner or operator of a gasoline dispensing site with a stage II vapor recovery
4321 system shall decommission the stage II vapor recovery system in accordance with the
4322 following schedule:

- 4323 1. If the owner or operator holds a license issued by the Division numbered BMF
4324 13676 or less, the owner or operator shall decommission the stage II vapor recovery
4325 system between October 1, 2016 and September 30, 2017; or
- 4326 2. If the owner or operator holds a license issued by the Division numbered BMF
4327 13677 or more, the owner or operator shall decommission the stage II vapor
4328 recovery system between October 1, 2017 and September 30, 2018.

4329 **B.** Request for alternate decommissioning plan. The following owners or operators may
4330 submit an alternate decommissioning plan requesting to decommission the stage II vapor
4331 recovery systems at a time other than would be required under subsection (A)(1) or
4332 (A)(2) but no sooner than October 1, 2016 and no later than September 30, 2018. The
4333 owner or operator shall submit the alternate decommissioning plan to the Division for
4334 approval prior to decommissioning at an alternate time period.

4335 1. An owner or operator that holds licenses issued by the Division for three or fewer
4336 gasoline dispensing sites if all the licenses are issued in the same business name and
4337 mailing address. The owner or operator shall ensure that the alternate
4338 decommissioning plan includes the information specified in subsections (C)(1)
4339 through (4); and

4340 2. An owner or operator that holds licenses issued by the Division for four or more
4341 gasoline dispensing sites if all the licenses are issued in the same business name and
4342 mailing address. The owner or operator shall ensure that the alternate
4343 decommissioning plan includes the information specified in subsection (C).

4344 **C.** An owner or operator that submits a request for approval of an alternate
4345 decommissioning plan shall include the following information as specified under
4346 subsection (B):

4347 1. The business name and mailing address on all licenses;

4348 2. The name and telephone number of an individual with whom the Division can
4349 communicate;

4350 3. The license number and address of each gasoline dispensing site and a statement of
4351 whether the owner or operator proposes to decommission each vapor recovery

4352 system between October 1, 2016 and September 30, 2017, or October 1, 2017 and
4353 September 30, 2018;

4354 4. A statement of whether all gasoline dispensers at the gasoline dispensing site will be
4355 replaced and if so, whether the owner or operator proposes to replace the gasoline
4356 dispensers between October 1, 2016 and September 30, 2017, or October 1, 2017
4357 and September 30, 2018; and

4358 5. If the owner or operator owns four or more gasoline dispensing sites, an alternate
4359 decommissioning plan that includes:

4360 a. The license numbers and addresses of 50 percent of the gasoline dispensing sites
4361 at which the vapor recovery systems will be decommissioned between October 1,
4362 2016 and September 30, 2017; and

4363 b. The license numbers and addresses of the remaining 50 percent of the gasoline
4364 dispensing sites at which the vapor recovery systems will be decommissioned
4365 between October 1, 2017 and September 30, 2018.

4366 **D.** The Division shall approve or reject, on a first-come-first-served basis, an alternate
4367 decommissioning plan within three months after the alternate decommissioning plan is
4368 submitted. The Division shall allow decommissioning of stage II vapor recovery
4369 equipment at the time gasoline dispensers are replaced as indicated on the request for
4370 approval under subsection (C)(4). The Division may reject an alternate
4371 decommissioning plan if the information required under subsection (B) is not provided
4372 or if the year requested for decommissioning already has more than 60 percent of all
4373 gasoline dispensing sites scheduled for decommissioning;

4374 **E.** The owner or operator of a gasoline dispensing site that is exempt under R3-7-902 shall
4375 decommission the site any time between October 1, 2016, and September 30, 2018;

4376 **F.** The owner or operator of a gasoline dispensing site shall ensure that a Notice of Intent,
4377 using a form or format provided by the Division, is submitted to the Division at least 10
4378 days before the planned decommissioning and includes the following information:

- 4379 1. Name of the owner or operator of the gasoline dispensing site,
- 4380 2. Address of the gasoline dispensing site,
- 4381 3. Name of the decommissioning contractor,
- 4382 4. Decommissioning dates,
- 4383 5. Name of the vapor testing registered service representative, and
- 4384 6. A statement indicating whether all gasoline dispensers at the gasoline dispensing site
4385 are being replaced.

4386 **G.** If any of the information provided under subsection (F) changes, the owner or operator
4387 shall ensure that the Division receives the changed information at least 24 hours before
4388 the scheduled start of decommissioning.

4389 **H.** The owner or operator of a gasoline dispensing site shall ensure that all stage II vapor
4390 recovery systems are decommissioned according to the material incorporated by
4391 reference in R3-7-901(4) with the following exceptions:

- 4392 1. Liquid shall be purged from the vapor piping following disconnection in section
4393 14.6.6;
- 4394 2. Vapor piping that is not disconnected from the tank top in accordance with section
4395 14.6.7 shall be disconnected in the future if construction involving excavation that
4396 renders the piping accessible is performed; and

4397 3. The pressure decay test conducted under section 14.6.12 shall meet the requirements
4398 in R3-7-1005(A)(1).

4399 **I.** The decommissioning contractor shall:

4400 1. Complete a Decommissioning Checklist using a form or format provided by the
4401 Division,

4402 2. Provide a copy of the completed Decommissioning Checklist to the owner or
4403 operator of the gasoline dispensing site at the time of decommissioning, and

4404 3. Submit a copy of the completed Decommissioning Checklist to the Division within
4405 10 days after decommissioning of the stage II vapor recovery system is complete.

4406 Decommissioning of a stage II vapor recovery system is complete on the date and at
4407 the time when the gasoline dispensing site resumes sales of motor fuel following
4408 decommissioning.

4409 **J.** A gasoline dispensing site with a stage II vapor recovery system that is decommissioned
4410 is exempt from the annual inspection and testing required under R3-7-910 but shall be
4411 subject to the initial inspection and testing prescribed under R3-7-1005 within 60 days
4412 after decommissioning is complete.

4413 **K.** The requirements in Article 10 apply to all gasoline dispensing sites at which stage II
4414 vapor recovery systems have been decommissioned.

4415 **L.** The Division shall place out-of-service a gasoline dispensing site at which a stage II
4416 vapor recovery system is not decommissioned according to this Section until the
4417 gasoline dispensing site is decommissioned and impose civil penalties under A.R.S. § 3-
4418 3475 on the owner or operator of the gasoline dispensing site.

4419 **ARTICLE 10. STAGE I VAPOR RECOVERY**

4420 **R3-7-1001. Material Incorporated by Reference**

4421 The following documents are incorporated by reference and on file with the Division. The
4422 documents incorporated by reference contain no later amendments or editions:

- 4423 1. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4424 Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8,
4425 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street,
4426 Sacramento, California 95812-2815.
- 4427 2. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4428 Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly,
4429 October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L.
4430 Street, Sacramento, California 95812-2815.
- 4431 3. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4432 Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and
4433 Spill Container Drain Valves, October 8, 2003 edition, California Air Resources
4434 Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- 4435 4. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4436 Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum
4437 Vent Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box
4438 2815, 2020 L. Street, Sacramento, California 95812-2815.
- 4439 5. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4440 Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance
4441 of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition,

4442 California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento,
4443 California 95812-2815.

4444 6. California Environmental Protection Agency, Air Resources Board, Vapor Recovery
4445 Test Procedure TP-201.3C, Determination of Vapor Piping Connections to
4446 Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition,
4447 California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento,
4448 California 95812-2815.

4449 **R3-7-1002. Exemptions**

4450 ~~A. The owner or operator of a gasoline dispensing site at which the site's stage II vapor~~
4451 ~~recovery system has not been decommissioned in accordance with R3-7-913 is exempt~~
4452 ~~from the provisions of this Article but shall comply with the provisions of Article 9.~~

4453 ~~B.~~ An owner or operator of a gasoline dispensing site with a gasoline throughput that does
4454 not exceed that specified in A.R.S. § 3-3512(B) may file for an exemption from this Article.
4455 To obtain an exemption, the owner or operator of the gasoline dispensing site shall submit
4456 an annual throughput report to the Division, using a form prescribed by the Division, no
4457 later than March 30 of each year and attest to the throughput during each month of the
4458 previous calendar year. If the owner or operator fails to file an annual throughput report
4459 timely or if the annual throughput report indicates the exemption limit specified in A.R.S. §
4460 3-3512(B) was exceeded, the Division shall deem the exemption void.

4461 **R3-7-1003. Equipment and Installation**

4462 A. The Division shall reject a vapor recovery system or component from future installation
4463 if:

4464 1. Federal regulations prohibit its use;

- 4465 2. The vapor recovery system or component does not meet the manufacturer's
4466 specifications as certified by CARB using test methods approved in R3-7-1001; or
4467 3. The vapor recovery system or component fails greater than 20% of Division
4468 inspections for that system or component or the Division receives equivalent failure
4469 results from a vapor recovery registered service agency, as defined and regulated by
4470 Article 6, or from another jurisdiction's vapor recovery program, and the Division
4471 provides at least 30 days public notice of its proposed rejection.
- 4472 **B.** The piping of a stage I vapor recovery system shall be designed and constructed as
4473 certified by CARB for that specific vapor recovery system. A person shall not alter a
4474 stage I vapor recovery system or component from the CARB-certified configuration
4475 without obtaining Division approval under R3-7-1004. All components installed with
4476 the stage I vapor recovery system shall be certified by CARB or approved by the
4477 Division as required under A.R.S. § 3-3512.
- 4478 **C.** If Division inspection or test data reveal a deficiency in a fitting, assembly, or
4479 component that cannot be permanently corrected, the deficient fitting, assembly, or
4480 component shall not be used in Arizona.
- 4481 **D.** A stage I liquid or vapor spill containment bucket may have a plugged drain rather than
4482 a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid.
- 4483 **E.** A stage I vapor recovery system shall have pressure/vacuum (P/V) threaded valves on
4484 top of the vent lines for gasoline storage tanks.

4485 **R3-7-1004. Application Requirements and Process for Authority to Construct Plan**
4486 **Approval**

4487 A. A person shall not begin to construct a ~~site requiring a~~ stage I vapor recovery system or
4488 to make a ~~major~~ modification of an existing stage I vapor recovery system before
4489 applying for and obtaining approval of an authority to construct an Authority to
4490 Construct plan application permit. A major modification is:

- 4491 ~~1. Adding or replacing a gasoline storage tank that is equipped with a Division~~
4492 ~~approved stage I vapor recovery system;~~
4493 ~~2. Modifying, adding, or replacing underground vent piping; or~~
4494 ~~3. Conducting construction under R3-7-913(H)(2).~~

4495 A modification is:

- 4496 1. Adding or replacing a gasoline storage tank that is equipped with a stage I vapor
4497 recovery system;
4498 2. Modifying, adding, or replacing vent piping; or
4499 3. Conducting construction at the tank top that exposes stage I or stage II vapor
4500 recovery piping.

4501 B. A person shall file with the Division a written change order, using a form provided by
4502 the Division, to obtain a modification of the approved vapor recovery system or
4503 component if a modification is needed after the Division issues an ~~authority to construct~~
4504 Authority to Construct plan approval permit. The person shall not make any
4505 modification until the Division approves the change order.

4506 C. To obtain an ~~authority to construct~~ Authority to Construct plan approval permit, a person
4507 shall submit to the Division, on a form provided by the Division, the following:

- 4508 1. The name, address, and telephone number of any owner, operator, and proposed
4509 contractor, if known;

- 4510 2. The name of the stage I vapor recovery system or component to be installed along
4511 with the CARB certification for that system or component;
- 4512 3. The street address of the site where construction or ~~major~~-modification will take
4513 place with an estimated timetable for construction or modification;
- 4514 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component
4515 including all stage I vapor recovery equipment and stage I vapor recovery piping
4516 detail; and
- 4517 5. The application fee specified under R3-7-1006.
- 4518 **D.** A person shall ensure that an installed or modified stage I vapor recovery system meets
4519 the following requirements:
- 4520 1. Has CARB-certified product and vapor adaptors that prevent loosening or over-
4521 tightening of the stage I product and vapor adaptors;
- 4522 2. Consists of a two-point stage I system with separate fill and vapor connection points.
4523 Coaxial stage I vapor recovery systems shall not be used;
- 4524 3. Has a submerged fill pipe that has the fill pipe's highest point of discharge no more
4525 than six inches from the tank bottom;
- 4526 4. Has no tank containing motor fuel other than gasoline connected to the vapor piping;
- 4527 5. Has vapor piping with a minimum 1/8 inch slope per foot from the vent riser to the
4528 tank;
- 4529 ~~5.6.~~ Uses cement that is resistant to deterioration from exposure to water,
4530 hydrocarbons, and alcohol to join all pipes;
- 4531 ~~6.7.~~ Has tank vent pipes that extend at least 12 feet above the elevation of the stage I
4532 fill points;

- 4533 ~~7.8.~~ Has tank vent pipes with a minimum inside diameter of:
- 4534 a. Two inches if the pipe is not manifolded, or
- 4535 b. Three inches from the point of manifold ~~if the pipe is manifolded for a single~~
- 4536 vent line;
- 4537 ~~8.9.~~ Has pressure vacuum vent valves that are attached to the tank vent pipes by a
- 4538 threaded connection;
- 4539 ~~9.10.~~ If a gasoline tank is installed in an enclosed vault, has an emergency vent in
- 4540 addition to the pressure vacuum vent valve required under subsection (D)(8);
- 4541 ~~10.11.~~ Has risers into gasoline storage tanks that are capped with UL-approved caps;
- 4542 ~~11.12.~~ Has lead wires for instrumentation that pass through a leak-tight grommet with a
- 4543 compression fitting suitable for exposure to gasoline vapors;
- 4544 ~~12.13.~~ Has storage tank vent pipes and fill and vapor manhole tops that are painted a
- 4545 color that minimizes solar gain and has a reflective effectiveness of at least 55
- 4546 percent. Reflectivity shall be determined by visually comparing the paint with paint-
- 4547 color cards obtained from a paint manufacturer that uses the Master Pallet Notation
- 4548 to specify the paint color (i.e., 58YY 88/180 where the number in italics is the paint
- 4549 reflectivity). Examples of colors have a reflective effectiveness of at least 55 percent
- 4550 include, but are not limited to, yellow, light gray, aluminum, tan, red iron oxide,
- 4551 cream or pale blue, light green, glossy gray, light blue, light pink, light cream, white,
- 4552 silver, beige, tin plate, and mirrored finish. A manhole cover that is color coded for
- 4553 product identification is exempt from this subsection; and
- 4554 ~~13.14.~~ Complies with other requirements outlined in the ~~authority to construct~~ Authority
- 4555 to Construct permit.

4556 E. After review and approval of the ~~authority to construct~~ Authority to Construct plan
4557 application, the Division shall issue the ~~authority to construct~~ Authority to Construct
4558 ~~plan approval permit~~ and mail, ~~fax~~, or e-mail the ~~plan approval permit~~ to the address
4559 indicated on the application.

4560 1. A copy of the ~~authority to construct~~ Authority to Construct plan approval permit
4561 shall be maintained at the facility during construction so that it is accessible for
4562 Division review.

4563 2. Construction of a stage I vapor recovery system or component at a site not having an
4564 ~~approved authority to construct~~ Authority to Construct plan permit, shall be stopped
4565 and no further installation work done until an ~~authority to construct~~ Authority to
4566 Construct plan approval permit is obtained.

4567 3. An ~~authority to construct~~ Authority to Construct plan approval permit is not
4568 transferable.

4569 F. The Division shall deny an ~~authority to construct~~ Authority to Construct plan application
4570 for any of the following reasons:

4571 1. Providing incomplete, false, or misleading information; or

4572 2. Failing to meet the requirements stated in this Chapter.

4573 G. If excavation is involved, the Division may visually inspect the stage I underground
4574 piping of a gasoline dispensing site before the piping is buried for compliance with the
4575 ~~authority to construct~~ Authority to Construct plan approval permit. The owner or
4576 operator of a vapor recovery system or component shall give the Division notice by ~~fax~~
4577 ~~or~~ e-mail at least two business days before the underground piping is complete to
4578 schedule the inspection. The Division may require the owner or operator to excavate all

4579 piping not inspected before burial if the owner or operator does not give the required
4580 two business days' notice.

4581 **H.** After construction is complete, a person who has a valid ~~authority to construct~~ Authority
4582 to Construct plan approval permit may dispense gasoline for up to 90 days before final
4583 approval if an initial inspection is scheduled according to R3-7-1005.

4584 **I.** An ~~authority to construct~~ Authority to Construct plan approval permit expires one year
4585 from the date of issue or ~~the completion of construction~~ when a gasoline dispensing site
4586 is placed into service following installation or modification of an approved vapor
4587 recovery system, whichever is sooner.

4588 **R3-7-1005. Initial Inspection and Testing**

4589 **A.** Within 10 days after beginning the dispensing of gasoline at a site that requires an
4590 ~~authority to construct~~ Authority to Construct plan approval permit, a person shall
4591 provide the Division with a written certification of completion by the contractor and
4592 schedule an inspection that includes tests and acceptance criteria specified in the
4593 ~~authority to construct~~ Authority to Construct plan approval permit and this subsection.
4594 The inspection shall be witnessed by the Division at a time approved by the Division
4595 and include the following tests:

4596 1. A pressure decay test for each vapor control system including underground storage
4597 tanks and tank vents using CARB TP-201.3 test procedures. All test procedures
4598 pertaining to stage I vapor recovery systems shall be followed except the post-test
4599 procedures in section 8 and the calculations in section 9 of the CARB TP-201.3 test
4600 procedures. The compliance status of the site shall be determined by comparing the
4601 final five-minute pressure with the minimum allowable final pressure in Table 1. A

- 4602 calculated ullage exceeding that listed in Table 1 shall be rounded up to the next
4603 higher ullage volume in the table;
- 4604 2. A test of each pressure vacuum vent valve using CARB TP-201.1E test procedures;
4605 3. A Tie-Tank test using CARB TP-201.3C test procedure; ~~and~~
4606 4. A Static Torque test for each rotatable stage I adaptor using CARB TP-201.1B; and
4607 4.5. Procedures specified by a manufacturer or CARB for testing the vapor recovery
4608 system.
- 4609 **B.** If there is a difference between a testing contractor's test results and the Division's test
4610 results, the Division's test results prevail.
- 4611 **C.** If a site fails to pass any of the tests required by subsection (A), the affected vapor
4612 recovery system or component shall remain ~~out of service~~ out of service until the vapor
4613 recovery system and component pass all the appropriate tests in subsection (A).
- 4614 **D.** A person who cancels an initial inspection shall notify the Division by calling the
4615 Division's designated telephone number at least one hour before the scheduled
4616 inspection and shall reschedule the inspection within 10 business days after this
4617 notification. The Division shall take enforcement action if a person fails to comply with
4618 this Section.
- 4619 **E.** A person shall notify the Division when a vapor recovery system or component is
4620 repaired after failing an initial inspection. A registered service representative shall not
4621 proceed with a reinspection until the Division approves the reinspection date and time.
- 4622 **F.** If a registered service representative does not start an initial inspection pressure decay
4623 test within 30 minutes of the scheduled start time, the Division shall fail the initial
4624 inspection of that site.

4625 **G.** If a person cancels an initial inspection, the person shall reschedule the inspection within
4626 90 days from the date gasoline was first dispensed.

4627 1. The Division shall take enforcement action if the person fails to timely reschedule
4628 the inspection.

4629 2. The registered service agency shall notify the Division in writing at least 10 business
4630 days before the inspection of the time, date, and location of the inspection.

4631 3. The Division shall notify the registered service agency within five business days, by
4632 ~~fax or e-mail~~, whether it approves the inspection date and time.

4633 **R3-7-1006. Fee**

4634 ~~The authority to construct~~ Authority to Construct plan approval permit fee is \$250.

4635 **R3-7-1007. Operation**

4636 **A.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall not
4637 transfer or permit the transfer of gasoline into any gasoline storage tank subject to this
4638 Article unless stage I vapor recovery equipment is installed, maintained, operating, and
4639 being used according to the requirements of A.R.S. Title 3, Chapter 19, Article 7, and
4640 this Article.

4641 **B.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall
4642 operate the stage I vapor recovery system and associated components in compliance
4643 with the CARB certification or Division approval under A.R.S. § 3-3512 for that system
4644 and these rules.

4645 **C.** The owner or operator of a gasoline dispensing site with stage I vapor recovery located
4646 in area A shall inspect the system and its components at least once every seven days.
4647 The inspections shall include all stage I fittings and spill containment.

- 4648 **D.** The owner or operator of a gasoline dispensing site shall immediately stop using a stage
4649 I vapor recovery system or component if one or more of the following system or
4650 component defects occur:
- 4651 1. Tank vent pipes are not the proper height or are not properly capped with approved
4652 pressure and vacuum vent valves;
 - 4653 2. Vent pipes do not meet the CARB-specified paint color code specified in R3-7-
4654 1004(D)(13);
 - 4655 3. The stage I vapor recovery system is not properly installed or maintained as
4656 evidenced by the following:
 - 4657 a. Spill containment buckets are cracked, rusted, or not clean and empty of liquid;
4658 sidewalls are not attached or are otherwise improperly installed; and drain valves
4659 are non-functioning or do not seal;
 - 4660 b. A fill adaptor collar or vapor poppet (drybreak) is loose, damaged, or has a fill or
4661 vapor cap that is not installed or is missing, broken, not securely attached, or
4662 missing gaskets;
 - 4663 c. Coaxial stage I is not equipped with a functioning CARB-approved poppeted fill
4664 tube or the coaxial cap is not installed or is missing, broken, not securely
4665 attached, or missing gaskets; or
 - 4666 d. A fill tube is missing, broken, or not sealed; has holes or damaged overflow
4667 prevention; or the high point of the bottom opening is more than six inches above
4668 the tank bottom;
 - 4669 4. The tank rise cap with instrument lead wire for an electronic monitoring system is
4670 not installed tightly or any other tank riser is not sealed and capped securely;

- 4671 5. An above-ground storage tank does not display a permanently attached UL approval
4672 plaque; or
- 4673 6. Any other component identified in the diagrams, exhibits, attachments, or other
4674 documents and certified by CARB or required by the ~~authority to construct~~
4675 Authority to Construct permit for that system is missing, disconnected, or
4676 malfunctioning.
- 4677 E. For proper operation of a stage I system under A.R.S. § 3-3512(C)(4), the owner or
4678 operator of a gasoline dispensing site shall recover vapors during pump-out from a
4679 gasoline storage tank to a mobile transporter.
- 4680 F. The owner or operator of a gasoline dispensing site shall ensure that any underground
4681 tightness test is conducted in a manner that prevents gasoline vapors being emitted to the
4682 atmosphere.

4683 **R3-7-1008. Training and Public Education**

4684 Each owner or operator of a gasoline dispensing site using stage I vapor recovery shall
4685 obtain adequate training and written instructions to enable the system to be installed,
4686 operated, and maintained properly in accordance with the manufacturer's specifications and
4687 CARB certification. The owner or operator shall maintain documentation of this training
4688 onsite and make the documentation available to the Division ~~on~~ within two business days of
4689 a request.

4690 **R3-7-1009. Recordkeeping and Reporting**

4691 A. The owner or operator of a gasoline dispensing site employing stage I vapor recovery in
4692 area A shall maintain records of the inspections done under R3-7-1007.

4693 **B.** The owner or operator of a gasoline dispensing site employing stage I vapor recovery in
4694 area A shall maintain a log and related records of all regularly scheduled maintenance
4695 and any repairs that have been made to stage I equipment.

4696 **C.** The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 3-
4697 3512(B) from requirements to install and operate stage I vapor recovery equipment shall
4698 maintain a log at the site showing monthly throughputs. The owner or operator shall
4699 make the log available to the Division within 24 hours after request. The owner or
4700 operator shall submit to the Division the throughput information required under R3-7-
4701 1002(B). If any throughput requirement provided in A.R.S. § 3-3512(B) and this Article
4702 is exceeded for any month, the owner or operator shall notify the Division in writing
4703 within 30 days. The owner or operator shall, within six months after the end of the
4704 month the throughput is exceeded, install and operate a stage I vapor recovery system
4705 conforming to this Article. If a stage I vapor recovery system is already installed, the
4706 owner or operator shall have the system tested under R3-7-1010 within 30 days after the
4707 end of the month in which the throughput was exceeded.

4708 ~~**D.** The owner or operator of a gasoline dispensing site that has decommissioned a stage II~~
4709 ~~vapor recovery system under R3-7-913 shall maintain a copy of the decommissioning~~
4710 ~~checklist required under R3-7-913(I) for three years.~~

4711 **E.D.** ~~Except as specified in subsection (D), the~~ The owner or operator of a gasoline
4712 dispensing site shall keep all records required by this Article at the gasoline dispensing
4713 site for at least one year and shall make these records available to the Division upon
4714 request.

4715 **R3-7-1010. Annual Testing and Inspection**

- 4716 **A.** A person shall ensure that an annual inspection is conducted by a registered service
4717 representative on or before the annual inspection date. The annual inspection date is the
4718 last day of the month in which the last scheduled annual inspection was performed. A
4719 registered service agency shall notify the Division in writing at least 10 business days
4720 before an annual inspection of the time, date, and location of the inspection. The
4721 Division shall notify the registered service agency within five business days, by ~~fax or e-~~
4722 mail, whether it approves the annual inspection date and time. The registered service
4723 agency shall not perform the annual inspection unless the Division approves the
4724 inspection date and time.
- 4725 **B.** The annual inspection shall include the tests defined in R3-7-1005(A)(1) through ~~(3)~~(4)
4726 that pertain to the specific vapor recovery system installed.
- 4727 **C.** To verify proper operation of a vapor recovery system, the Division may perform or
4728 may require registered service representatives to perform additional tests under ~~R3-7-~~
4729 ~~1005(A)(4)~~R3-7-1005(A)(5) during the annual inspection and testing. The Division
4730 shall provide registered service agencies with six months' notice before requiring
4731 additional annual testing under ~~R3-7-1005(A)(4)~~R3-7-1005(A)(5).
- 4732 **D.** If there is a difference between a testing contractor's test results and the Division's test
4733 results, the Division's test results prevail.
- 4734 **E.** If a site fails to pass any of the tests required under subsection (B), the affected vapor
4735 recovery system or component shall remain ~~out of service~~out of service until the vapor
4736 recovery system and component pass all tests required under subsection (B).
- 4737 **F.** After an annual inspection begins, a person shall not make a repair to the vapor recovery
4738 system or component until the results of the inspection are recorded.

- 4739 **G.** A person shall notify the Division when a vapor recovery system or component is
4740 repaired after failing an annual inspection. A registered service representative shall not
4741 conduct a reinspection until the Division approves the reinspection date and time.
- 4742 **H.** A registered service representative shall perform all tests according to this Article and
4743 any other vapor recovery procedure the Division issues to registered service agencies.
- 4744 **I.** A person that cancels an annual inspection shall notify the Division by calling the
4745 Division's designated telephone number at least one hour before the scheduled
4746 inspection and shall reschedule the test to be completed by the annual inspection date. A
4747 registered service agency shall notify the Division in writing at least 10 business days
4748 before an annual inspection of the time, date, and location of the inspection. The
4749 Division shall notify the registered service agency within five business days, by ~~fax or e-~~
4750 mail, of its approval of the inspection date and time. The Division shall take
4751 enforcement action if a person does not comply with this subsection.
- 4752 **J.** Gasoline dispensing sites located in area B are exempt from the annual inspection and
4753 testing requirements of this Section.

4754 **R3-7-1011. Compliance Inspections and Additional Test Methods**

4755 The Division shall not announce when it plans to conduct a compliance inspection of a stage
4756 I vapor recovery system or component. If results of a compliance inspection reveal a
4757 violation of A.R.S. Title 3, Chapter 19, or this Article, the Division shall require the vapor
4758 recovery system or component to undergo an appropriate test as specified in R3-7-1010.

4759 **R3-7-1012. Enforcement**

4760 If the Division finds that a stage I vapor recovery system or component is defective or non-
4761 compliant with one or more of the provisions of this Chapter or A.R.S. Title 3, Chapter 19,

4762 the Division shall issue to the owner or operator an administrative order and place a ~~stop-~~
4763 ~~sale, stop-use~~ Stop-Sale, Stop-Use tag on the non-compliant vapor recovery system or
4764 component. The owner or operator may be required to schedule an inspection for a ~~stage II~~
4765 stage I vapor recovery system or component to ensure that it meets all requirements of
4766 A.R.S. Title 3, Chapter 19 and this Chapter before the vapor recovery system or component
4767 is placed in service.

4768 **R3-7-1013. Stage II Vapor Recovery**

4769 If the Division identifies a gasoline dispensing site operating a stage II vapor recovery
4770 system within an ozone nonattainment area designated as moderate, serious, severe, or
4771 extreme by the EPA under section 107(d) of the Clean Air Act or in area A after September
4772 30, 2018, the Division shall issue an administrative order to require that the stage II vapor
4773 recovery system be decommissioned within three months after identification, and may
4774 impose a civil penalty under A.R.S. §§ 3-3473 and 3-3475 ~~and require that the stage II~~
4775 ~~vapor recovery system be decommissioned within three months after identification. Each~~
4776 ~~day the stage II vapor recovery system is not decommissioned after the time specified in the~~
4777 ~~administrative order constitutes a separate violation for the purpose of calculating the civil~~
4778 ~~penalty under A.R.S. § 3-3475.~~

4779 **Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-**
4780 **201.3**

Ullage (gallons)	Minimum Pressure after Five Minutes (Inches Water Column)
500	0.73
550	0.80
600	0.87
650	0.93
700	0.98
750	1.03

Arizona Administrative Code Title 3, Chapter 7
DRAFT - March 17, 2022

800	1.07
850	1.11
900	1.15
950	1.18
1000	1.21
1200	1.32
1400	1.40
1600	1.46
1800	1.51
2000	1.56
2400	1.62
2600	1.65
2800	1.67
3000	1.69
3500	1.73
4000	1.76
4500	1.79
5000	1.81
6000	1.84
7000	1.86
8000	1.88
9000	1.89
10000	1.90
15000	1.93
20000	1.95
25000	1.96

4781