



Statutes & Rules

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Article 1 – General Provisions

3-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Area A" has the same meaning prescribed in section 49-541.
2. "Area B" has the same meaning prescribed in section 49-541.
3. "Area C" means that portion of Pinal county lying west of range 11 east, excluding that portion of the county lying within area A as defined in section 49-541 and that portion of the county within the jurisdiction of any Indian tribe, band, group or community that is recognized by the United States secretary of the interior and that exercises governmental authority within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent and including rights of way running through the reservation.
4. "Associate director" means the associate director of the division.
5. "Biodiesel" means a mono-alkyl ester that meets ASTM D6751.
6. "Biodiesel blend" means a motor fuel that is composed of biodiesel and diesel fuel and that is designated by the letter "B", followed by the numeric value of the volume percentage of biodiesel in the blend.
7. "Biofuel" means a solid, liquid or gaseous fuel that is derived from biomass and that can be used directly for heating or power or as a blend component in motor fuel.
8. "Biofuel blend" means a motor fuel that is composed of a biofuel, that is combined with a petroleum-based fuel and that is designated by the volume percentage of biofuel in the blend.
9. "Biomass" means biological material, such as plant or animal matter, excluding organic material that has been transformed by geological processes into substances such as coal or petroleum or derivatives thereof, that may be transformed into biofuel.
10. "Biomass based diesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the United States environmental protection agency under 42 United States Code 7545 and includes fuel derived from animal wastes, including poultry wastes and other waste materials, municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. Biomass based diesel does not include biodiesel.
11. "Biomass based diesel blend" means a blend of petroleum based diesel fuel with biomass based diesel.
12. "Certification" means the process of determining the accuracy of a commercial device to the standards of this state by a registered service representative or the division.
13. "Commercial device" means any weighing, measuring, metering or counting device that is used to determine the direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in house packaging, inventory control or law enforcement purposes.
14. "Commodity" means any merchandise, product or substance produced or distributed for sale to or use by others.
15. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter.

16. "Diesel fuel" means a refined middle distillate that is used as a fuel in a compression ignition internal combustion engine and that meets the specifications of ASTM D975.
17. "Division" means the weights and measures services division of the department.
18. "Ethanol flex fuel" means a fuel ethanol gasoline blend that meets the specifications of ASTM D5798 standard specification for ethanol fuel blends for flexible-fuel automotive spark-ignition engines.
19. "Fleet owner" means a registered owner or lessee of at least twenty five vehicles.
20. "Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than five one hundredths grams of lead for each United States gallon, that is produced, refined, manufactured, blended, distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other flammable liquids free from undissolved water, sediment or suspended matter, with or without additives, and that is commonly used as a fuel for spark-ignition internal combustion engines. Gasoline does not include diesel fuel or ethanol flex fuel.
21. "Gasoline provider" means any manufacturer of gasoline or any person who imports gasoline into a vehicle emissions control area by means of a pipeline or in truckload quantities for the person's own use within the vehicle emissions control area or any person who sells gasoline intended for ultimate consumption within a vehicle emissions control area. Gasoline provider does not mean a person with respect to a gasoline supplied or sold by the person to another person for resale to a retailer within a vehicle emissions control area or to a fleet owner for consumption within a vehicle emissions control area.
22. "Inspector" means a state official of the division.
23. "Liquid measuring device" means any meter, pump, tank, gauge or apparatus used for volumetrically determining the quantity of any internal combustion engine fuel, liquefied petroleum gas or low viscosity heating oil.
24. "Manufacturer's proving ground" means a facility whose sole purpose is to develop complete advanced vehicles for an automotive manufacturer.
25. "Misfuel" means the act of dispensing into the fuel tank of a motor vehicle a motor fuel that was not intended to be used in the engine of that motor vehicle.
26. "Motor fuel" means a petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine, including biodiesel blends, biofuel blends and ethanol flex fuels.
27. "Motor vehicle racing event" means a race that uses unlicensed vehicles designed and manufactured specifically for racing purposes and that is conducted on a public or private racecourse for the entertainment of the general public. Motor vehicle racing event includes practice, qualifying and demonstration laps conducted as part of the activities related to a motor vehicle race.
28. "Oxygenate" means any oxygen containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and that is approved as a blending agent under the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).
29. "Oxygenated fuel" means an unleaded motor fuel blend that consists primarily of gasoline and at least one and one half percent by weight of one or more oxygenates and that has been blended consistent with the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

30. "Package" means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.
31. "Person" means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.
32. "Product transfer document" means any bill of lading, loading ticket, manifest, delivery receipt, invoice or other documentation used on any occasion when a person transfers custody or title of motor fuel other than when motor fuel is sold or dispensed at a service station or fleet vehicle fueling facility.
33. "Public weighmaster" means any person who is engaged in any of the following:
- (a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate intended to be accepted as an accurate weight on which a purchase or sale is to be based or on which a service fee is to be charged.
 - (b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.
34. "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.
35. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the division.
36. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and who has been issued a license by the division.
37. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any package or commodity by weight, measure or count.
38. "Secondary standards" means the physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.
39. "Supplier" means any person that imports gasoline into a vehicle emissions control area by means of a pipeline or in truckload quantities for the person's own use within the vehicle emissions control area or any person that sells gasoline intended for ultimate consumption within a vehicle emissions control area, except that supplier does not mean a person with respect to gasoline supplied or sold by the person to another for resale to a retailer within a vehicle emissions control area or to a fleet owner for consumption within a vehicle emissions control area.
40. "Vehicle emissions control area" means a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, or any portion of area B or C, except that such an area does not include a manufacturer's proving ground that is located in the vehicle emissions control area.
41. "Weight" as used in connection with any commodity means net weight.
42. "Weights" or "measures", or both, means all weights, measures, meters or counters of every kind, instruments and devices for weighing, measuring, metering or counting and any appliance and accessories associated with any or all such instruments and devices.

Article 2 – State Administration of Weights and Measures

3-3411. Standard weights and measures

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of such systems shall be used for all commercial purposes in the state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the national institute of standards and technology are recognized and shall govern weighing and measuring equipment and transactions in the state.

3-3412. Physical standards

Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state reference standards of weights and measures and shall be maintained in such calibration as prescribed by the national institute of standards and technology. All secondary standards may be prescribed by the associate director and shall be verified on initial receipt and as often thereafter as deemed necessary by the associate director.

3-3413. Technical requirements for commercial devices

The specifications, tolerances and other technical requirements for commercial devices as adopted by the national conference on weights and measures and published in national institute of standards and technology handbook 44, "specifications, tolerances, and other technical requirements for commercial weighing and measuring devices" shall apply to commercial weighing and measuring devices in the state. The edition of the national institute of standards and technology handbook 44 shall be determined by rule, pursuant to section 3-3414, subsection A, paragraph 4.

3-3414. Powers and duties; definition

A. The division shall:

1. Maintain custody of the state reference standards of weights and measures that are traceable to the United States prototype standards and that are supplied to the states by the federal government or that are otherwise approved as being satisfactory by the national institute of standards and technology.
2. Keep the state reference standards in a safe and suitable place in the metrology laboratory of the division and ensure that they are not removed from the laboratory except for repairs or for calibration as may be prescribed by the national institute of standards and technology.
3. Keep accurate records of all standards and equipment.
4. Adopt any rules necessary to carry out this chapter and adopt reasonable rules for the enforcement of this chapter. These rules have the force and effect of law and shall be adopted pursuant to title 41, chapter 6. In adopting these rules, the associate director shall consider, as far as is practicable, the requirements established by other states and by authority of the United States, except that rules shall not be made in conflict with this chapter.
5. Publish rules adopted pursuant to this chapter and issue appropriate copies at no cost to all new applicants for licensure and certification. Updated copies of the rules shall be distributed, on request, at no cost to the public.
6. Investigate complaints made to the division concerning violations of this chapter and, on its own initiative, conduct investigations it deems appropriate to develop information relating to prevailing procedures in commercial quantity determination and relating to possible violations of

this chapter, in order to educate the public and regulated persons to encourage and promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

7. Establish labeling standards, establish standards of weight, measure or count and establish reasonable standards of fill for any packaged commodity, and may establish standards for open dating information.

8. Grant, pursuant to this chapter, exemptions from the licensing provisions of this chapter for weighing and measuring instruments, standards or devices when the ownership or use of the instrument or device is limited to federal, state or local government agencies in the performance of official functions. On request, the division may conduct inspections of instruments, standards or devices and shall charge a fee pursuant to section 3-3452.

9. Delegate to appropriate personnel any of the responsibilities of the associate director for the proper administration of this chapter.

10. Inspect and test weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used either:

(a) In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count.

(b) In computing the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test, at random, commodities, weights and measures that are used in public institutions for which monies are appropriated by the legislature. The testing of commodities, weights and measures in public institutions includes items:

(a) That have historically been of short weight, measure or count.

(b) That have been found to be of short weight, measure or count by other jurisdictions.

(c) That are to be tested as part of a regional or national survey.

13. Test, approve for use and affix a seal of approval for use on all weights, measures and commercial devices that are manufactured in or brought into this state as it finds to be correct and shall reject and mark as rejected weights, measures and devices that it finds to be incorrect. Weights, measures and devices that have been rejected may be seized by the division if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The division shall condemn and may seize weights, measures and devices that are found to be incorrect and that are not capable of being made correct. The division may affix a nontampering seal to commercial devices that are tested and found to be within applicable tolerance.

14. Sample and test motor fuel that is stored, sold or exposed or offered for sale or that is stored for use by a fleet owner to determine whether the motor fuel meets the standards for motor fuel set forth in section 3-3433 and article 6 of this chapter and in any rule adopted by the associate director pursuant to this chapter.

15. Randomly witness tests on all mandated vapor recovery systems that are installed or operated in this state and, if the systems are determined to be in compliance with the law, approve those systems for use and reject, mark as rejected and stop the use of those systems that are determined not to be in compliance with the law.

16. Inspect facilities at which motor fuel is stored, sold or exposed or offered for sale to determine whether dispensing devices are properly labeled.

17. Publish and distribute to consumers and regulated persons weighing and measuring information.
 18. Weigh, measure or inspect commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or rules adopted pursuant to this chapter. In carrying out this section, the associate director shall employ recognized sampling procedures, such as are designated in appropriate national institute of standards and technology handbooks and supplements to those handbooks, except as modified or rejected by rule.
 19. Allow reasonable variations from the stated quantity of contents only after a commodity has entered intrastate commerce. These variations shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice.
 20. Prescribe the standards of weight and measure and additional equipment methods of test and inspection to be employed in the enforcement of this chapter. The associate director may prescribe or provide the official test and inspection forms to be used in the enforcement of this chapter.
 21. Apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.
 22. Subject to title 41, chapter 4, article 4, employ such personnel as needed to assist in administering this chapter.
 23. Ensure that any information that is required to be filed with the division, that relates to the contents of motor fuels that are sold in this state and that is a trade secret as defined in section 49-201 is not disclosed.
 24. Establish by rule labeling standards for tanks and containers of motor fuels.
- B. The associate director may provide for the periodic examination and inspection of metering devices, including devices used to measure usage of electricity, natural gas or water by a consumer. Examination and inspection authority shall not apply to metering devices owned by federal, state or local government agencies unless requested by the government agency that owns the metering devices.
- C. The associate director may establish standards for the presentation of cost per unit information. This subsection does not mandate the use of cost per unit information in connection with the sale of any standard packed commodity.
- D. The associate director, when necessary to carry out this chapter, may adopt and enforce rules relating to quality standards for motor fuel, kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating oils, lubricants, antifreeze and other liquid or gaseous fuels. The associate director shall adopt rules to ensure that oxygenated fuels, as described in article 6 of this chapter, that are stored, used, sold or exposed or offered for use or sale are blended and stored, sold, exposed or offered in such a manner as to ensure that the oxygenated fuels are properly blended, that they meet the standards set forth in section 3-3433 and article 6 of this chapter, and in rules adopted pursuant to this chapter, and that dispensers at which the oxygenated fuels are dispensed are labeled as defined by rule of the division in such a manner as to notify persons of the type of oxygenated fuel being dispensed and the maximum percentage of oxygenate by volume contained in the oxygenated fuel. The associate director of the division shall consult with the director of the department of environmental quality in adopting rules pursuant to this subsection.
- E. Testing and inspection conducted pursuant to this chapter shall be done, to the extent practicable, without prior notice, by a random systematic method determined by the associate

director or in response to a complaint by the public. The testing and inspection may be done by private persons and firms pursuant to contracts entered into by the associate director in accordance with title 41, chapter 23 or by a registered service agency or registered service representative licensed pursuant to section 3-3454. The associate director shall establish qualifications of persons and firms for selection for purposes of this subsection. The persons or firms conducting the testing and inspection shall immediately report to the division any violations of this chapter and incorrect weights, measures, devices, vapor recovery systems or vapor recovery components for investigation and enforcement by the division. A person or firm that tests or inspects a weight, measure, device, vapor recovery system or vapor recovery component that is rejected shall not correct the defect causing the rejection without the permission of the division.

F. During the course of an investigation or an enforcement action by the division, information regarding the complainant is confidential and is exempt from title 39, chapter 1, unless the complainant authorizes the information to be public.

G. For the purposes of the labeling requirements prescribed in this section, "oxygenated fuel" means a motor fuel blend containing 1.5 percent or more by weight of oxygen.

3-3415. Enforcement powers of the associate director, agents and inspectors

A. When necessary for the enforcement of this chapter and rules adopted pursuant to this chapter, the associate director or the associate director's agents and inspectors shall:

1. Enter any commercial, nonprofit business or governmental premises during normal operating hours, except that if the premises are not open to the public, the associate director or the associate director's agents and inspectors shall first present their credentials.
2. Issue stop use, hold and removal orders with respect to any weights and measures commercially used, stop sale, hold and removal orders with respect to any commodities, bulk commodities or motor fuel kept, offered or exposed for sale, stop use and hold orders with respect to a vapor recovery system or parts of a vapor recovery system and stop use, stop sale, hold and removal orders with respect to any motor fuel found to be in violation of this chapter or rules adopted pursuant to this chapter.
3. Seize for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of this chapter or rules adopted pursuant to this chapter.
4. Stop any commercial vehicle on reasonable cause to believe that the vehicle contains evidence of a violation of this chapter and, after presentment of the credentials of the associate director or the associate director's agents or inspectors, inspect the contents, require that the person in charge of the vehicle produce any documents in the person's possession concerning the contents and require the person to proceed with the vehicle to some specified place for inspection.

B. With respect to the enforcement of this chapter, the associate director or the associate director's agents or inspectors may issue a warning requiring corrective action or a citation to any violators of this chapter in accordance with section 13-3903.

C. The associate director or the associate director's agents or inspectors may apply for a special inspection warrant for inspection of real or personal property for the purpose of enforcement of this chapter. The special inspection warrant shall be issued as provided in section 49-433.

3-3416. State metrology laboratory; operation; standards; testing

A. The associate director shall establish and operate within the division the state metrology laboratory.

- B. A commercial device shall not be approved for use in the state unless the design and construction comply with national institute of standards and technology requirements.
- C. All commercial devices approved and certified shall meet the tolerance, design and construction requirements prescribed by the national institute of standards and technology.
- D. All commercial devices that are determined unfit for approval shall be rejected without testing.
- E. All weights, weight sets, measures, meters, counters or other devices that are used by registered service representatives shall show an indication of the approval date and jurisdiction issuing the approval.
- F. All persons who install, service or repair commercial devices in this state shall submit the test equipment used to the division's metrology laboratory for approval at least annually. A certificate of approval that specifically identifies the test equipment and that is issued by another state laboratory may be accepted in lieu of submitting equipment if the other state laboratory is certified by the national institute of standards and technology.
- G. All weights, measures, meters, counters or other devices shall be tested in the order they are scheduled in the laboratory unless arrangements for testing have been made in advance.
- H. Work that is completed in the metrology laboratory shall be paid for pursuant to the fees prescribed in the rules of the division.

3-3417. Fees to state general fund

The associate director shall deposit, pursuant to sections 35-146 and 35-147, all fees collected in the state general fund.

3-3418. Disposition of seized property

One hundred eighty days after the final disposition of an investigation and any ensuing enforcement action, the division may destroy those weights, measures or devices that are seized pursuant to section 3-3414 or 3-3415 or transfer the items to the department of administration for disposition as state surplus property pursuant to the direction of the department of administration, surplus property division.

3-3419. Consultation and training program; inspection training program

The associate director may develop and implement the following training programs:

1. A consultation and training program for entities regulated under this chapter that uses on site visits, training and educational materials, and informational presentations to provide training and advice on interpreting, applying and complying, including alternative methods of complying, with the statutes, rules, regulations, standards or other matters relating to compliance with this chapter.
2. An inspection training program for division inspectors and employees to ensure that all inspections and tests provided for in this chapter are conducted in a consistent manner to the extent practicable.

Article 3 – Method of Sale of Commodities and Services

3-3431. Sale of commodities

- A. A person shall not sell or offer or expose for sale less than the quantity the person represents.
- B. As a buyer, a person shall not take any more than the quantity the person represents when the person furnishes the weight or measure by means of which the quantity is determined.

C. A person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

D. Except as otherwise provided by the associate director, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure or by count, as long as the method of sale provides accurate quantity information.

E. If the quantity is determined by the seller, bulk sales shall be accompanied by a delivery ticket containing the following information unless exempted by rule:

1. The name and address of the vendor and purchaser.
2. The date delivered.
3. The quantity delivered and the quantity on which the price is based, if this differs from the delivered quantity.
4. The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.
5. The count of individually wrapped packages, if more than one.

F. Except as otherwise provided in this chapter or by rules adopted pursuant to this chapter, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

1. The identity of the commodity in the package, unless the commodity can easily be identified through the wrapper or container.
2. The quantity of contents in terms of weight, measure or count.
3. The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.
4. The price, except as provided in subsections L, M and N of this section.

G. In addition to the declarations required by subsection F of this section, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

H. If a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. If a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

I. The packager of a short weighted item offered for sale is liable under this chapter.

J. If a retail seller engaging in the sale of motor fuel posts the selling price of the fuel on the premises, the seller shall post the selling price only by the price per gallon, except that if the fuel is dispensed by a measure other than whole gallons the seller shall represent the selling price for each unit of such other measure on the individual pump or other dispensing device. If a retail seller engaging in the sale of motor fuel advertises the price of the fuel off the premises, the retail seller shall advertise the price only by the price per gallon.

K. The owner or operator of a motor fuel dispensing site shall ensure that a sticker provided by the department of transportation that is three inches by five inches and that depicts the amount of federal and state taxes imposed on one gallon of gasoline is displayed on one side of each motor

fuel dispenser. The sticker required by this subsection shall contain white lettering on a black background or black lettering on a white background to ensure a contrasting color to the motor fuel dispenser and shall be placed on the upper sixty percent of the dispenser. The division shall use stickers provided by the department of transportation. A template of the sticker shall be placed on the division's website for use by retailers.

L. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, the seller may post the price of the package on the shelf or may display the price at or near the point of display of the product.

M. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, if the package is available for sale only with the assistance of a salesperson, the seller may display the package at a service counter staffed by the salesperson.

N. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, if the package is offered for sale at a price reduced by a percentage or a fixed amount from a previously offered price or at a reduced price for the purchase of multiple items, the reduction shall be displayed at the point of display of the package or near the point of display of the package in the manner required by this section.

O. On the request of a consumer, a retail seller shall provide:

1. A means of recording prices such as grease pencils, felt markers, scanners or other similar instruments for recording the price.
2. A written statement of the retail seller's policies regarding errors in pricing.

3-3432. Sale, delivery or consignment of motor fuel; temperature presumption

For the purpose of any sale, offer to sell, delivery or consignment of motor fuel in a quantity of five thousand gallons or more, the volume of the motor fuel for the purposes of calculating the price of the motor fuel is considered to be the volume that the quantity of the motor fuel would equal at the time of loading for sale, delivery or consignment if the temperature of the motor fuel was sixty degrees Fahrenheit. Any correction or adjustment required by this section shall be calculated on the basis of American society for testing and materials D1250-80, table 6B.

3-3433. Standards for motor fuel; exceptions

A. Except as provided in section 3-3434 and subsections C, D, E, F, G and K of this section, a retail seller or fleet owner shall not store, sell or expose or offer for sale any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the associate director.

B. A person shall not misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section or represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive. This subsection does not prohibit product origination disclaimer labeling on the retail dispenser.

C. After consultation with the director of the department of environmental quality, the standards and test methods for motor fuels shall be established by the associate director of the division by rule.

D. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A shall be 9.0 pounds per square inch from and after September 30 through March 31 of each year.

Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event is exempt from this subsection.

E. From and after September 30 through March 31 of each year, a person shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor pressure/distillation class ten volume percent evaporated distillation temperature.

F. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand persons or more and any portion of a county contained in area A shall be 7.0 pounds per square inch from and after May 31 through September 30 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event is exempt from this subsection.

G. Exclusively for the purposes of transportation conformity and only if the administrator of the United States environmental protection agency fails to approve the applicable plan required pursuant to section 49-406, maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area B shall be ten pounds per square inch from and after September 30 through March 31 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event is exempt from this subsection.

H. Notwithstanding subsections D, F and G of this section, the associate director of the division in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by gasoline providers and that the director and the associate director determine will result in either of the following:

1. Motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection D of this section and section 3-3492. In making this determination, the associate director of the division and the director of the department of environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by this section and with the minimum oxygen content or percentage by volume of ethanol as prescribed by section 3-3492.

2. Motor vehicle non methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection F of this section. In making this determination, the associate director of the division and the director of the department of environmental quality shall compare the motor vehicle non methane hydrocarbon emissions of the alternate fuel control measure with the motor vehicle non methane hydrocarbon emissions of a fuel that complies with the maximum vapor pressure standard as prescribed by subsection F of this section.

I. Any alternate fuel control measures that are approved shall not increase emissions of non methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection H of this section and this subsection may be used by any gasoline provider unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Gasoline providers that use an approved alternate fuel control measure shall annually submit a compliance plan to the associate director no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell or offer or expose for sale diesel fuel grade 1, 2 or 4 as defined in ASTM D975, biodiesel, biodiesel blends or biomass-based diesel or biomass-based diesel blends that contain sulfur in excess of fifteen parts per million. Locomotive and marine diesel fuel is exempt from this requirement if the fuel meets the requirements of 40 Code of Federal Regulations section 80.513(g) and (h).

K. A person shall label dispensers at which biodiesel, biodiesel blends, biomass-based diesel or biomass-based diesel blends are dispensed in conformance with 16 Code of Federal Regulations part 306. This section does not preclude a person from labeling a dispenser that dispenses diesel fuel that contains up to five percent biodiesel or biomass-based diesel with a label that states "may contain up to five percent biodiesel" or "may contain up to five percent biomass-based diesel".

L. For biodiesel blends that contain more than five percent by volume of biodiesel, a person shall prepare product transfer documents in a manner that notifies the transferee of the percent by volume of biodiesel in the product.

M. The associate director shall adopt rules regarding the establishment and enforcement of all of the following:

1. National or federal standards for individual biofuels and biofuel blends.
2. United States environmental protection agency and ASTM test methods for individual biofuels and biofuel blends.
3. Registration and reporting requirements for producers, blenders and suppliers of biofuels and biofuel blends.
4. Labeling requirements for biofuels and biofuel blends other than biodiesel or biodiesel blends.
5. Quality assurance and quality control programs for producers, blenders and suppliers of biofuels and biofuel blends addressing rack, batch or other blending.
6. Requirements that the dispensing equipment meet appropriate UL ratings where available and applicable, that the equipment comply with rules adopted by the division relating to approval, installation and sale of devices and that the equipment be compatible with the products being dispensed.

N. A biofuels or biofuel blends producer, blender, distributor, supplier or retail seller that is in compliance with this section and the rules adopted pursuant to this section is not liable to a consumer for any injuries or property damage related to a consumer who misfuels.

O. If any person transfers custody or title of a diesel fuel or distillate, biodiesel, a biodiesel blend, biomass based diesel or a biomass based diesel blend, except if the fuel is dispensed into a motor vehicle or nonroad, locomotive or marine equipment, the transferor shall provide to the transferee product transfer documents that conform with 40 Code of Federal Regulations section 80.590.

P. If the transfer of a motor fuel is from a terminal, storage facility, or transmix facility, the product transfer documents shall contain the information prescribed in subsection O of this section. In addition, the fuel transporter shall ensure that the name and address of the final destination for the shipment, as prescribed by division rule, are included and that the product transfer documents accompany the shipment to its final destination.

3-3434. Area C; standards for motor fuel; exceptions

A. Except as provided in subsections C and D of this section, after May 31, 2008, a retail seller or fleet owner shall not store, sell or expose or offer for sale in area C any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the associate director.

B. A person shall not misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section or represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive.

C. After consultation with the director of the department of environmental quality, the standards and test methods for motor fuels shall be established by the associate director of the division by rule.

D. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area C shall be 7.0 pounds per square inch from and after May 31 through September 30 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event is exempt from this subsection.

E. The associate director of the division in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by gasoline providers and that the director and associate director determine will result in motor vehicle non methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection D of this section. In making this determination, the associate director of the division and the director of the department of environmental quality shall compare the motor vehicle non methane hydrocarbon emissions of the alternate fuel control measure with the motor vehicle non-methane hydrocarbon emissions of a fuel that complies with the maximum vapor pressure standard as prescribed by subsection D of this section.

F. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection E of this section and this subsection may be used by any gasoline provider unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Gasoline providers that use an approved alternate fuel control measure shall annually submit a compliance plan to the associate director no later than sixty days before the first day of a gasoline control period.

3-3435. Heating of motor fuel prohibited

A person shall not sell or offer or expose for sale any motor fuel if the temperature of the motor fuel has been changed by any type of a heating device.

3-3436. Dispensing motor fuel; hold open latches; grip guards; definition

A. A retail seller may equip all nozzles from which motor fuel is dispensed with an operating hold open latch.

B. From and after September 30, 2018, all retail diesel fuel dispensers shall be equipped with nozzles that have green grip guards and all retail ethanol flex fuels shall be equipped with yellow grip guards. Other product nozzles may not have green or yellow grip guards.

C. For the purposes of this section, "hold open latch" means a device that is an integral part of the automatic nozzle and that is specifically manufactured to dispense motor fuel without requiring the consumer's physical contact with the automatic nozzle.

3-3437. Aversive or bittering agent in engine coolant and antifreeze; liability limitation; exceptions; violation; classification

A. Engine coolant or antifreeze that is sold in this state on or after January 1, 2008, that is manufactured on or after September 1, 2007 and that contains more than ten percent ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million and a maximum of fifty parts per million as an aversive or bittering agent in the product to render it unpalatable. A manufacturer or packager of engine coolant or antifreeze that is subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the aversive or bittering agent used pursuant to this section. A manufacturer or packager of engine

coolant or antifreeze shall furnish information and documentation maintained pursuant to this section to a member of the public on request.

B. This section applies only to manufacturers, packagers, distributors, recyclers or sellers of engine coolant or antifreeze. For the purposes of this section, selling does not include the installation of engine coolant or antifreeze for compensation.

C. A manufacturer, packager, distributor, recycler or seller of engine coolant or antifreeze that is required to contain an aversive or bittering agent pursuant to this section is not liable to any person for personal injury, death, property damage, damage to the environment or natural resources or economic loss that results from the inclusion of denatonium benzoate in engine coolant or antifreeze.

D. The limitation on liability provided in subsection C of this section applies only if denatonium benzoate is included in engine coolant or antifreeze in the concentrations required by this section. The limitation on liability provided in subsection C of this section does not apply to a particular liability to the extent that the cause of that liability is unrelated to the inclusion of denatonium benzoate in engine coolant or antifreeze.

E. A political subdivision of this state shall not establish or continue in effect a prohibition, limitation, standard or other requirement relating to the inclusion of an aversive or bittering agent in engine coolant or antifreeze, with respect to retail containers containing less than fifty five gallons of engine coolant or antifreeze, that is different from, or in addition to, this section.

F. This section does not apply to either:

1. The sale of a motor vehicle that contains engine coolant or antifreeze.
2. Wholesale containers of engine coolant or antifreeze containing fifty-five gallons or more of engine coolant or antifreeze.

G. The division may inspect, investigate, analyze and take appropriate actions to administer and enforce this section.

H. A person who violates this section is guilty of a class 3 misdemeanor.

Article 4 – Licensing, Testing and Certification

3-3451. Licensing devices used for commercial purposes; authorization to test devices used for all other purposes; fees; certification; issuance of license; violation; classification

A. A person shall not use a commercial device unless the device is licensed or certified as provided in this chapter.

B. A license shall be obtained annually from the division on forms prescribed and furnished by the division. The fee prescribed in this chapter shall be submitted with the prescribed form. A license shall be obtained not later than thirty days following the first day of commercial use for original installations. If the ownership of a device that is licensed is transferred, the ownership of the license may be transferred. On transfer of a license, new licensees shall notify the division of the licensee's name and address and the location of the device. A license for a device shall be posted at the licensed business location in a manner that provides the division with access to the license during normal business hours. The division may issue or renew a device license for two or three years at the option of the applicant or licensee if the applicant or licensee pays the total amount of applicable annual fees in full at the time of issuance or renewal.

- C. Any license issued under this chapter applies only to the instrument or device specified in the license, except that the associate director may allow the license to apply to a replacement for the original instrument or device.
- D. Noncommercial devices may be tested by the division pursuant to this chapter. A weighing device owned by a person who uses it only for the purpose of weighing the person's own livestock or agricultural products and for no commercial purposes is declared to be a noncommercial device, and the owner of the device is exempt from paying any licensing fees collected pursuant to this chapter.
- E. If a commercial livestock scale is used for thirty or more days in a calendar year, the scale is required to be licensed. If a commercial livestock scale is used for fewer than thirty days in a calendar year, the scale is required to be certified. If an owner or operator of a commercial livestock scale requests that the division certify the scale, the certification fee shall be comparable to the license fee prescribed in section 3-3452. If an owner or operator of a noncommercial scale requests that the division certify the scale, the certification fee shall be comparable to the license fee prescribed in section 3-3452.
- F. At the request of the owner or user of a portable batch plant, the division may certify the portable batch plant. If the division certifies a portable batch plant, the certification fee shall be comparable to the license fee prescribed in section 3-3452.
- G. Any portable measuring device that is five gallons or less and that is properly marked by the manufacturer according to standards established by the national institute of standards and technology is exempt from the licensing and certification provisions of this chapter.
- H. For the purpose of ascertaining compliance with the licensing provisions of this article, the department of revenue shall provide the division with a monthly report of all transaction privilege tax licenses issued in the prior month. The report shall include the business name, type of business and business address of the licensee.
- I. The department of revenue shall annually notify each transaction privilege tax licensee that the licensee is required to register new or existing weighing or measuring devices with the division.
- J. A person or the person's agent who knowingly files with the division any notice, statement or other document required under this section that is false or that contains any material misstatement of fact is guilty of a class 2 misdemeanor.

3-3452. Licensing fees; proration; cancellation for nonpayment

- A. The following fees shall be paid to the division as license fees for devices used for commercial purposes:

Schedules of Fees

1. Weighing devices:

0-500 pounds capacity (or metric equivalent).....	\$12.00
501-2,000 pounds capacity.....	\$18.00
2,001-7,500 pounds capacity.....	\$36.00
7,501-20,000 pounds capacity.....	\$80.00
20,001-60,000 pounds capacity.....	\$120.00
60,001 pounds capacity and over.....	\$180.00

2. Liquid metering devices (meters) other than for liquid petroleum gas and utility meters:

maximum 12 gallons per minute and under.....	\$12.00
maximum 13-150 gallons per minute.....	\$36.00
maximum 151-500 gallons per minute.....	\$90.00
maximum 501-1,000 gallons per minute.....	\$138.00
maximum 1,001 gallons per minute and over.....	\$168.00

3. Motor fuel devices (dispensers) other than for liquid petroleum gas (not including satellite hoses or nozzles):

	Standard	Vapor Recovery Test
each meter.....	\$15.00	\$30.00
each blending valve.....	\$15.00	\$30.00
high volume (over 19 gallons per minute) diesel per hose and nozzle.....	\$15.00	
keylock, limited access, with accumulators, per hose and nozzle.....	\$22.50	
remote indicator and control unit (no hoses or nozzles) (accessory only).....	\$22.50	

4. Liquid measuring devices for liquid petroleum gas (meters):

small bottle fill measuring devices.....	\$24.00
motor fuel measuring devices, uncompensated.....	\$24.00
motor fuel measuring devices, temperature compensating, including compressed natural gas filling devices	\$48.00
motor fuel measuring devices, keylocks.....	\$48.00
3/4" and 1" meters, uncompensated.....	\$48.00
1 1/4", 1 1/2" and 1 3/4" meters, uncompensated.....	\$72.00
2" meters and larger, uncompensated.....	\$72.00
3/4" and 1" meters, temperature compensating.....	\$54.00
1 1/4", 1 1/2" and 1 3/4" meters, temperature compensating.....	\$90.00
2" meters and larger, temperature compensating.....	\$96.00

5. Linear measuring devices:

all linear measuring mechanical devices.....	\$24.00
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6. Time measuring devices:

all time measuring mechanical, electrical and electronic devices.....	\$24.00
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7. Counting devices:

all mechanical and electronic counting devices.....	\$12.00
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B. Testing, inspection, certification and calibration fees shall be paid pursuant to the fee schedule set forth in subsection A of this section or the rules of the division. The division shall waive license fees for customer parking time measuring meters owned by municipalities.

C. Issuance or renewal of license as:

1. Public weighmaster.....\$48.00
2. Registered service agency.....\$24.00
3. Registered service representative.....\$4.80

D. The fees set forth in this section are the maximum amounts that may be charged, but the associate director, at the associate director's discretion, may reduce the fees to any amount the associate director deems necessary.

E. The associate director may prorate the fees set forth in this section for partial year application.

F. If a person fails to pay a license, permit or certification fee on or before the date the fee is due, the division shall impose a penalty equal to twenty percent of the fee. For each thirty-day period after the date the fee is due, the division shall impose an additional penalty equal to twenty percent of the fee. If a person fails to pay a license, permit or certification fee and all related penalties for ninety days after the fee is due, the division shall cancel the license, permit or certification.

3-3453. License as public weighmaster or deputy weighmaster required; application; fee; renewal; training; exemptions

A. A person shall not serve as a public weighmaster or deputy weighmaster unless the person is issued a public weighmaster or deputy weighmaster license by the division in accordance with practices and procedures to be established by the associate director. An applicant for a public weighmaster or deputy weighmaster license shall:

1. Demonstrate a thorough knowledge of all appropriate weights and measures laws, rules and policies.
2. Have possession of, or have available for use, a scale that is of sufficient capacity and size and that is licensed and certified pursuant to section 3-3451.
3. Demonstrate the necessary experience and training to operate the scale.
4. Pass the required examination administered by the division. The associate director may waive the examination required by this paragraph.

B. An application for a public weighmaster or deputy weighmaster license shall be submitted to the division on a form prescribed and furnished by the division and shall be accompanied by the license fee prescribed in section 3-3452. The division shall issue a public weighmaster or deputy weighmaster license for a period of twelve calendar months. The license expires on the first day of the month and year indicated on the license. A public weighmaster or deputy weighmaster license shall be posted at the licensed scale site in a manner that provides the division access to the license during normal business hours.

C. If a licensee submits a license renewal application to the division before the date of expiration of the current license together with the renewal fee prescribed by the division, the existing license shall be valid for thirty days following its expiration date, or until issuance of the renewal license, whichever occurs first.

D. A public weighmaster shall provide the necessary training for any deputy weighmaster using the public weighmaster's seal to certify weigh tickets.

E. Except as otherwise provided in subsection G of this section, the certified weighing of any property, livestock or commodity shall be performed only by a public weighmaster or deputy

weighmaster. The following persons are not required to obtain licenses as public weighmasters or deputy weighmasters:

1. A person weighing property, livestock or a commodity that the person or the person's employer is either buying or selling for the own account of the person or the person's employer.
2. A person weighing property, livestock or a commodity in conjunction with or on behalf of a publicly sponsored or nonprofit organization sponsored exposition, fair or show event.
- F. The official weighing of vehicles or conveyances by any employee of a city, county or state agency for weight control regulatory purposes on public highways, roads or streets does not constitute public weighing.
- G. On request and without charge, the division may issue a limited weighmaster license to any qualified officer or employee of a city, a county or the state authorizing the officer or employee to act as a public weighmaster only within the scope of the officer's or employee's official employment and duties in enforcing local ordinances substantially complying with the requirements of this chapter. While performing the duties of a limited weighmaster, a limited weighmaster shall have the limited weighmaster's license in the limited weighmaster's possession.
- H. The division shall approve all forms, certificates, seals and other documents together with practices, procedures and equipment used by public weighmasters or deputy weighmasters in the performance of their duties. A public weighmaster or deputy weighmaster shall keep for such a period as the division by rule may require a legible copy of each weight certificate the public weighmaster or deputy weighmaster issues. Copies of weight certificates shall be available at all reasonable times for inspection by the division.

3-3454. License required as registered service agency or registered service representative; qualifications; application; fees; renewal

- A. A person shall not operate as a registered service agency or as a registered service representative until a license is issued as provided in this section.
- B. An applicant for a registered service agency license shall:
 1. Submit application information satisfactory to the division.
 2. Comply with section 3-3416, subsection E or provide evidence that the applicant's vapor recovery test equipment has been certified by the manufacturer of the equipment within one year of the date of the application or as deemed appropriate by the division.
 3. Pay all required fees.
- C. An applicant for a registered service representative license shall:
 1. Demonstrate a thorough working knowledge of all appropriate weights and measures laws, orders and rules.
 2. Demonstrate to the division that the applicant has possession of, or has available for use, weights and testing equipment appropriate in design and adequate in amount.
 3. Demonstrate the necessary knowledge, training and experience regarding appropriate standards and testing equipment to service commercial devices, vapor recovery systems or vapor recovery components.
 4. Pass the required examination administered by the division.
 5. Pay all required fees.
- D. An application for a registered service agency or registered service representative license shall be submitted by the applicant to the division on a form prescribed and furnished by the division. The division shall issue a registered service agency or registered service representative license for a period of twelve calendar months. The license expires on the first day of the month and year

indicated on the license. Each license shall contain, among other information, a license number. A registered service agency license shall be posted at the licensed business location in a manner that provides the division with access to the license during normal business hours. While performing the duties of a registered service representative, a registered service representative shall have the registered service representative's license in the registered service representative's possession.

E. If a licensee submits a license renewal application to the division before the date of expiration of the current license, together with the prescribed renewal fee, the existing license is valid for thirty days following its expiration date or until issuance of the renewal license, whichever occurs first.

F. The associate director shall publish, from time to time as the associate director deems appropriate, and may supply on request lists of registered service representatives and registered service agencies.

G. Each registered service representative license issued by the division shall indicate the type of service approved by the division for the licensee.

H. A registered service agency shall use forms and related procedures prescribed by the division in the performance of its duties. A registered service agency shall keep a legible copy of each form used for at least the time period prescribed by the division in its rules. Copies of the forms shall be available during normal business hours for inspection by the division.

Article 5 – Regulation

3-3471. Registered service representative; powers; violation; classification

A. When any commercial device specified in this chapter is in commercial use and a valid license for the device has not been procured by the owner, the owner's agent or the operator of the device, the division, after giving notice of the licensing requirements to the owner, the owner's agent or the operator, shall prohibit the further commercial use of the unlicensed device until the proper license has been issued. The division may employ and attach to the device such forms, notices or security seals as it considers necessary to prevent the continued unauthorized use of the device.

B. A registered service representative may:

1. With approval of the division, remove an official rejection tag placed on a commercial device, vapor recovery system or vapor recovery component.
2. Place in service, until such time as an official examination can be made, a commercial device, vapor recovery system or vapor recovery component that has been officially rejected or placed out of service.
3. Place in service, until such time as an official examination can be made, a commercial device for which a commercial device application has been completed and submitted to the division.

C. The owner of any business who has not applied for and has not been issued a license for the right to do business, involving the use of a commercial device, by the division and who is found selling or offering for sale or delivering or distributing to a consumer is guilty of a class 2 misdemeanor, and the division shall confiscate and seize the commercial device or any vehicle tank, or vehicle tank and meter, or any other such measuring device used by the business for the sale, delivery or distribution as evidence.

D. The associate director and any other authorized personnel shall not be liable to the owner or any other persons, firms, partnerships, corporations, trusts or agencies for damages, directly or indirectly, caused by or resulting from the seizure.

E. If a commercial device licensed pursuant to this chapter is used contrary to any provision of this chapter or any rule adopted pursuant to this chapter, the division, in addition to any other penalty imposed by this chapter, shall suspend, revoke or refuse to renew the license.

3-3472. Revocation or suspension of licenses; procedure; judicial review

A. Except as otherwise provided by this section, any proceeding to revoke or suspend a license issued pursuant to this chapter shall be conducted in accordance with title 41, chapter 6, article 10.

B. The associate director may initiate proceedings for revocation or suspension of a license issued pursuant to this chapter on the associate director's own motion or on a verified complaint for noncompliance with or a violation of this chapter or of any rule adopted pursuant to this chapter.

C. If, after having been served with the notice of hearing as provided for in title 41, chapter 6, article 10, the licensee fails to appear at the hearing and defend, the division shall proceed to hear evidence against the licensee and shall enter such order as is justified by the evidence, which order shall be final unless the licensee petitions for a review as provided in title 41, chapter 6, article 10.

D. At all hearings the attorney general of this state, one of the attorney general's assistants, or a special assistant designated by the attorney general shall appear and represent the division.

E. Except as provided in section 41-1092.08, subsection H, any final administrative decision made pursuant to this chapter is subject to judicial review pursuant to title 12, chapter 7, article 6.

3-3473. Violations; classification; jurisdiction

A. A person is guilty of a class 1 misdemeanor who:

1. Knowingly hinders, interferes with or obstructs in any way the associate director or any of the associate director's agents or inspectors in entering the premises where a commercial device may be kept for inspecting or testing or in the performance of the official duties of the associate director or the associate director's agent or inspector.

2. Impersonates in any way the associate director or any one of the associate director's agents or inspectors by the use of the associate director's seal or badge or a counterfeit of the associate director's seal or badge, or in any other manner.

3. Uses, or possesses for the purpose of using for any commercial purpose, sells, offers or exposes for sale or hire, or possesses for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure.

4. Sells, or offers or exposes for sale, less than the quantity the person represents of any commodity, thing or service.

5. Takes more than the quantity the person represents of any commodity, thing or service, when, as buyer, the person furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

B. A person is guilty of a class 2 misdemeanor who:

1. Uses, or possesses for the purpose of current use for any commercial purpose, a weight or measure that does not bear a seal or mark of approval based on inspection and test as provided in section 3-3414, subsection A, paragraph 11, unless the weight or measure has been exempted from testing by order of the division, or unless the device has been placed in service as provided

in this chapter. Any person or persons making use of a commercial device that is subject to this chapter shall report to the associate director or the associate director's representatives, in writing, the number and location of the commercial device and shall promptly report the installation of any new commercial device.

2. Disposes of any rejected or condemned weight or measure in a manner contrary to law or rule.
 3. Removes from any weight or measure, contrary to law or rule, any tag, seal or mark placed on the weight or measure by the appropriate authority pursuant to this chapter.
 4. Keeps for the purpose of selling, advertising or offering or exposing for sale or sells any commodity, thing or service in a condition or manner contrary to law or rule.
 5. Uses in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is so positioned that its indications may not be accurately read and the weighing, metering, measuring or counting operation observed from some position that may reasonably be assumed by a customer.
 6. Violates this chapter or rules adopted under this chapter. A continuing violation may be deemed to be a separate violation each day during which the violation is committed for the purpose of imposing a fine.
- C. The provisions of this section are in addition to and not in limitation of any other provision of law.
- D. The attorney general and the county attorney shall have concurrent jurisdiction to prosecute violations of this chapter.

3-3474. Presumptive evidence of use

When a weight, measure, meter, counter or commercial device is in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that the weight, measure, meter, counter or commercial device is regularly used for the business purpose of the place.

3-3475. Civil penalties; hearing

- A. A person who violates this chapter, any rule of the division or any license requirement is subject to a civil penalty imposed by the associate director.
- B. A person who violates this chapter, any rule of the division or any license requirement may request an informal or formal hearing to review a civil penalty imposed under this section. If the person requests an informal hearing, the division may conduct the informal hearing, in person or telephonically, to resolve a warning or citation. If the person requests a formal hearing or the warning or citation is not resolved in the informal hearing, the division shall conduct a formal hearing in accordance with title 41, chapter 6, article 10. Except as prescribed in subsection C of this section, the civil penalty shall not exceed one thousand dollars for each infraction nor more than ten thousand dollars for any thirty day period at each business location, for each registered service representative or for each public weighmaster, provided that no person shall be assessed more than fifty thousand dollars per thirty day period.
- C. The associate director may double the maximum civil penalty if any of the following applies:
1. A commercial device is found to be in violation with results that favor the retailer at more than twice the allowable tolerance as stated in national institute of standards and technology handbook 44.
 2. A package is found to exceed the maximum allowable variation for the labeled quantity allowed in national institute of standards and technology handbook 133 or the average error of the lot is twice the sample error limit in favor of the retailer.

3. A vapor recovery system reinspection fails the required tests.
 4. A maximum civil penalty has been imposed on a retailer for a price posting or price verification violation and in a reinspection, if conducted within ninety days, the failure rate is ten percent or more and at least one error is in favor of the retailer.
 5. A maximum civil penalty has been imposed on a refiner, refinery, pipeline, terminal, fuel transporter, registered supplier or transmix processing facility for a violation of motor fuel quality standards or producing a product transfer document that is incorrect, incomplete or produced in any manner tending to mislead or deceive a person.
- D. The attorney general shall bring actions to recover civil penalties pursuant to this section in the superior court in the county in which the violation occurred or in a county where the agency has its office. All monies derived from civil penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

3-3476. Delinquent civil penalties and fees

In addition to any other penalty, if a civil penalty or any fee due pursuant to this chapter has not been paid thirty days after the due date, the civil penalty or fee is delinquent and the division may refuse to issue a license or may revoke a license pursuant to this chapter until the civil penalty or fee is paid in full.

Article 6 – Motor Fuel

3-3491. Standards for oxygenated fuel; volatility; exceptions

A. From and after September 30 through March 31 of each year, in a county with a population of one million two hundred thousand or more persons and in any portion of a county contained in area A, blends of gasoline with ethanol shall not exceed the volatility requirements prescribed by section 3-3433 and rules adopted by the associate director under that section. From and after September 30 through March 31 of each year, in area B, blends of gasoline with ethanol may exceed the volatility requirements prescribed by section 3-3433 and rules adopted by the associate director under that section by up to one pound per square inch if the base fuel meets the requirements of ASTM D4814 and the final gasoline ethanol blend contains at least six percent ethanol by volume but does not exceed United States environmental protection agency waivers. For any other locations and period of time, blends of gasoline with ethanol shall meet the volatility requirements as determined by division rule.

B. Notwithstanding subsection D of this section, the associate director of the division in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by gasoline providers and that the director and the associate director determine will result in motor vehicle carbon monoxide emission reductions that will equal or exceed the reductions that result under subsection D of this section. In making those determinations, the director of the department of environmental quality and the associate director shall compare the alternative measure against the emission reduction that would be obtained from a fuel with the maximum vapor pressure standard prescribed by subsection D of this section and the minimum oxygen standard prescribed by section 3-3492 or 3-3495. Alternative fuel control measures approved by the associate director of the division in consultation with the director of the department of environmental quality may be used by any gasoline provider unless the approval is rescinded by the associate director of the division at least one hundred eighty days before the beginning of any oxygenate period in the future. Gasoline providers that choose to use an approved alternate fuel control measure shall annually submit a

compliance plan to the associate director not later than sixty days before the start of the oxygenate period.

C. From and after September 30 through March 31 of each year, all blends of gasoline with alcohol other than ethanol shall satisfy all of the requirements prescribed by section 3-3433 and rules adopted by the associate director under that section and the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

D. Notwithstanding subsection A of this section, if the director of the department of environmental quality has previously raised the minimum oxygen content to the maximum percentage of oxygen allowed for each oxygenate as provided by section 3-3495, the designated air quality planning agency for area B has considered, analyzed and reviewed the costs and benefits of all other reasonable and available control measures in lieu of reducing volatility requirements to nine pounds per square inch and the director of the department of environmental quality finds that area B has failed to maintain the carbon monoxide national ambient air quality standards by violating the standard, beginning with the oxygenate period beginning on the following September 30 and for each oxygenate period thereafter in area B, the volatility requirements described by section 3-3433, subsection G may be reduced to nine pounds per square inch. If a violation of the carbon monoxide national ambient air quality standards is recorded after the volatility requirements have been reduced to nine pounds per square inch, the director of the department of environmental quality shall remove the one pound per square inch waiver for gasoline ethanol blends.

E. Gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within this state shall not contain the following:

1. Methyl tertiary butyl ether that exceeds 0.3 percent by volume.
2. A total of more than 0.10 percent oxygen by weight collectively from all of the following oxygenates:
 - (a) Diisopropylether (DIPE).
 - (b) Ethyl tert-butylether (ETBE).
 - (c) Isopropanol.
 - (d) Methanol.
 - (e) N butanol.
 - (f) N propanol.
 - (g) Sec butanol.
 - (h) Tert amylmethylether (TAME).
 - (i) Tert butanol.
 - (j) Tert pentanol (tert amylalcohol).

F. Subsection E of this section does not prohibit the transshipment through this state, including storage incident to that transshipment, of gasoline that contains the oxygenates prescribed by subsection E of this section if both of the following apply:

1. The gasoline is used or disposed outside this state.
2. The gasoline is segregated from gasoline that is intended for use inside this state.

3-3492. Area A; sale of gasoline; oxygen content

A. From and after November 1 through March 31 of each year:

1. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a gasoline-ethanol blend, contain not less than ten percent by volume of ethanol nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

2. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a blend other than a gasoline-ethanol blend, contain not less than 2.7 percent by weight of oxygen nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

B. Notwithstanding subsection A of this section, the associate director of the division in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by gasoline providers and that the director and the associate director determine will result in motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection A of this section and section 3-3433. In making this determination, the associate director of the division and the director of the department of environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by section 3-3433 and with the minimum oxygen content or percentage by volume of ethanol as prescribed by this section.

C. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection B of this section and this subsection may be used by any gasoline provider unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Gasoline providers that use an approved alternate fuel control measure shall annually submit a compliance plan to the associate director no later than sixty days before the first day of a gasoline control period.

3-3493. Area A; fuel reformulation; rules

(L16, Ch. 232, sec. 27)

A. All gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3433, subsections D and F.

2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except

that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3433, subsections D and F.

B. For the period beginning November 1 through March 31 of each year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with standards for California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall meet the maximum vapor pressure requirements in section 3-3433, subsections D and F. The fuel described in this subsection shall meet the requirements of section 3-3492, subsection A, paragraph 1.

C. Any registered supplier or oxygenate blender, as defined in division rules, may petition the associate director to request that all registered suppliers or oxygenate blenders be allowed to comply with standards other than the standards prescribed by section 3-3492, subsection A if the petitioner can demonstrate that ethanol supply shortages are imminent.

D. The petition shall:

1. Identify specific supply conditions that will result in a shortage of ethanol.
2. Identify which oxygenate or oxygenates and the concentration that will be blended into gasoline for sale or use in area A.
3. Demonstrate that the alternative oxygenate blend comes closest to meeting a three and one half percent by weight oxygen content at reasonable cost, unless the registered supplier or oxygenate blender is petitioning to use a gasoline-ethanol blend containing less than ten percent by volume of ethanol.
4. Specify a time period for compliance with any provision of section 3-3492, subsection A, not to exceed sixty days.

E. The associate director shall either grant or deny the petition in writing within seven days of its receipt. Any decision by the associate director to grant the petition shall be equally applicable to all registered suppliers or oxygenate blenders and shall not be selectively applied to any single registered supplier or oxygenate blender. The petition may be granted only if the associate director verifies that the basis for requesting the petition is factual.

F. The associate director may reauthorize a petition if the petitioner can demonstrate that the conditions have continued. The reauthorization of a petition shall not exceed thirty days.

G. The associate director of the division shall consult with the director of the department of environmental quality before granting, reauthorizing or denying any such petition.

H. The director of environmental quality in consultation with the associate director of the division shall adopt by rule:

1. Requirements to implement subsections A, B, C and D of this section.
2. Requirements for recordkeeping, reporting and analytical methods for fuel providers to demonstrate compliance with subsections A, B, C and D of this section.

I. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

3-3493; Version 2. Area A; fuel reformulation; rules

(L17, Ch. 295, sec. 2. Conditionally Eff.) Awaiting approval from EPA.

A. All gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3433, subsections D and F.
2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3433, subsections D and F.

B. For the period beginning November 1 through March 31 of each year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with standards for California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall meet the maximum vapor pressure requirements in section 3-3433, subsections D and F. The fuel described in this subsection shall meet the requirements of section 3-3492, subsection A, paragraph 1 or 2.

C. Any registered supplier or oxygenate blender, as defined in division rules, may petition the associate director to request that all registered suppliers or oxygenate blenders be allowed to comply with standards other than the standards prescribed by section 3-3492, subsection A if the petitioner can demonstrate that ethanol supply shortages are imminent.

D. The petition shall:

1. Identify specific supply conditions that will result in a shortage of ethanol.
2. Identify which oxygenate or oxygenates and the concentration that will be blended into gasoline for sale or use in area A.
3. Demonstrate that the alternative oxygenate blend comes closest to meeting a three and one half percent by weight oxygen content at reasonable cost, unless the registered supplier or oxygenate blender is petitioning to use a gasoline-ethanol blend containing less than ten percent by volume of ethanol.
4. Specify a time period for compliance with any provision of section 3-3492, subsection A, not to exceed sixty days.

E. The associate director shall either grant or deny the petition in writing within seven days of its receipt. Any decision by the associate director to grant the petition shall be equally applicable to all registered suppliers or oxygenate blenders and shall not be selectively applied to any single registered supplier or oxygenate blender. The petition may be granted only if the associate director verifies that the basis for requesting the petition is factual.

F. The associate director may reauthorize a petition if the petitioner can demonstrate that the conditions have continued. The reauthorization of a petition shall not exceed thirty days.

G. The associate director of the division shall consult with the director of the department of environmental quality before granting, reauthorizing or denying any such petition.

H. The director of environmental quality in consultation with the associate director of the division shall adopt by rule:

1. Requirements to implement subsections A, B, C and D of this section.
2. Requirements for recordkeeping, reporting and analytical methods for fuel providers to demonstrate compliance with subsections A, B, C and D of this section.

I. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

3-3494. Area C; fuel reformulation; rules

A. From and after May 31 through September 30 of each year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in area C shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3434, subsection D.
2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 3-3434, subsection D.

B. Any registered supplier or oxygenate blender, as defined in division rules, may petition the associate director to request that all registered suppliers or oxygenate blenders be allowed to supply gasoline in area C that does not meet the standards in subsection A of this section if the petitioner demonstrates that a shortage in the supply of gasoline meeting the standards in subsection A of this section is imminent.

C. A petition under subsection B of this section shall:

1. Identify specific supply conditions that will result in a shortage of gasoline meeting the standards in subsection A of this section.
2. Identify the formulation of gasoline that will be sold in area C in lieu of gasoline meeting the standards in subsection A of this section.
3. Specify a time period for compliance with the standards of subsection A of this section not to exceed sixty days.

D. The associate director shall either grant or deny a petition under subsection B of this section in writing within seven days of its receipt. Any decision by the associate director to grant the petition shall be equally applicable to all registered suppliers or oxygenate blenders and shall not be selectively applied to any single registered supplier or oxygenate blender. The petition may be granted only if the associate director verifies that the basis for requesting the petition is factual.

E. The associate director may reauthorize a petition granted under subsection B of this section if the petitioner demonstrates that the conditions identified in the petition have continued. The reauthorization of a petition shall not exceed thirty days.

F. The associate director of the division shall consult with the director of the department of environmental quality before granting, reauthorizing or denying any petition under subsection B of this section.

G. The associate director, in consultation with the director of the department of environmental quality, shall adopt by rule:

1. Requirements to implement subsections A, B and C of this section.
2. Requirements for recordkeeping, reporting and analytical methods for fuel providers to demonstrate compliance with subsection A of this section.

H. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

3-3495. Area B; sale of gasoline; oxygen content

A. From and after September 30 through March 31 of each year, all gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within area B or that is consumed in a motor vehicle within area B by a fleet owner shall contain not less than 1.8 percent by weight of oxygen nor more than the maximum percentage of oxygen allowed by the provisions of a waiver issued by the United States environmental protection agency.

B. Notwithstanding subsection A of this section, at any time earlier than sixty days before September 30 of each year, the designated air quality planning agency for area B with the concurrence of the director of the department of environmental quality may give notice, pursuant to the applicable plan required under section 49-406 for the Tucson air planning area, to the associate director of the division that the minimum oxygen content for the ensuing oxygenate seasons will be increased not less than .3 percent by weight of oxygen and not more than the maximum percentage of oxygen allowed for oxygenates by provisions of a waiver issued or other limits established by the United States environmental protection agency. Before making a determination to increase the minimum oxygen content pursuant to this subsection, the designated air quality planning agency for area B shall consider and conduct a cost benefit analysis on all reasonable carbon monoxide emission reduction measures that could be implemented in lieu of increasing the minimum oxygen content.

3-3496. Use of gasoline purchased outside of area A or area B

This article does not prohibit the use within area A or area B of gasoline purchased outside of area A or area B which does not contain the percentage weights of oxygen required by this article if the use is incidental and not for the purpose of evading the requirements of this article.

3-3497. Exemption

The provisions of this article do not apply to a manufacturer's proving ground or a motor vehicle racing event held in a vehicle emissions control area.

3-3498. Inspections

A. On request, an interstate pipeline terminal or a motor fuel storage or dispensing site shall provide a product transfer document to the division. Product transfer documents may be stored off site as provided by division rule.

B. On request, a motor fuel storage or dispensing site shall provide access to motor fuel dispensing cabinets to the division for inspection of fuel dispensing meters and blending valves.

Article 7 – Gasoline Vapor Control

3-3511. Definitions

In this article, unless the context otherwise requires:

1. "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing site during twelve consecutive months.
2. "Clean air act" means the clean air act of 1963 (P.L. 88 206; 42 United States Code section 7401 7671) as amended by the clean air act amendments of 1990 (P.L. 101 549).
3. "Gasoline dispensing site" means any site where gasoline is dispensed into a motor vehicle fuel tank from any stationary storage vessel.
4. "Stage I vapor recovery system" means a combination of pipes and hoses that creates a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank so that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

3-3512. Stage I vapor recovery systems; stage II vapor recovery systems

A. A person shall not offer for sale, sell, install or use a new gasoline stage I vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date, or has been approved by a third party that is accredited to test equipment and recognized by industry and the division, and has not been rejected by the division. The division shall maintain and keep current a list of stage I vapor recovery systems and component parts that are approved by the division. Only those systems that are approved shall be used in this state. All certified vapor recovery components must be clearly identified by a permanent identification affixed by the certified manufacturer or rebuilder.

B. For gasoline dispensing sites with a throughput of over ten thousand gallons per month in area A or area B, a person shall not transfer or allow the transfer of gasoline into storage tanks at gasoline dispensing sites unless the storage tank is equipped with a stage I vapor recovery system consisting of a vapor tight return line from the storage tank or its vent to the gasoline transport vehicle.

C. An owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site that is subject to stage I vapor recovery requirements shall comply with the following:

1. Install all necessary stage I vapor recovery systems and make any modifications necessary to comply with the requirements.
2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing site and the gasoline transport vehicle.
3. Replace, repair or modify any worn or ineffective component or design element to ensure the vapor tight integrity and efficiency of the stage I vapor recovery systems.
4. Connect and ensure proper operation of the stage I vapor recovery systems whenever gasoline is being loaded, unloaded or dispensed.
5. In area A and other geographical areas as provided by subsection G of this section, have the stage I vapor recovery system tested annually by a registered service representative that is licensed by the division.

D. Before the initial installation or modification of any stage I vapor recovery system, the owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site shall

obtain a plan review and approval from the division. Application for the plan review and approval shall be on forms prescribed and provided by the division.

E. The division in consultation with the department of environmental quality and the office of the state fire marshal shall establish by rule standards for the installation and operation of stage I vapor recovery systems. The division shall establish by rule plan review and approval fees. In establishing those rules and standards, the associate director shall consider requirements in other states to ensure that only state of the art technology is used.

F. Approval of a stage I vapor recovery system by the division does not relieve the owner or operator of the responsibility to comply with other applicable statutes, codes and rules pertaining to fire prevention, environmental quality and safety matters.

G. Any county, city or town outside of area A or area B may require gasoline dispensing sites with a throughput greater than ten thousand gallons per month to install, operate and maintain stage I vapor recovery systems in accordance with this section. Any county, city or town, including cities and towns within area B, also may require annual testing of required stage I vapor recovery systems pursuant to subsection C of this section. For a county, city or town considering the adoption of a resolution to require stage I vapor recovery systems or annual testing within its jurisdiction and on request, the department of environmental quality shall provide technical assistance in evaluating the air quality in that county, city or town and shall provide final review and approval of an adopted resolution.

H. A county board of supervisors or governing body of a city or town shall submit a resolution approved by the department of environmental quality to the associate director of the division requesting the imposition of the requirements for stage I vapor recovery systems within its jurisdiction.

I. The associate director shall adopt, by rule, compliance schedules for gasoline dispensing sites located within the jurisdiction requesting stage I vapor recovery system requirements no later than twelve months after receipt of the resolution from the county board of supervisors or governing board of a city or town. All gasoline dispensing sites shall be required to comply with stage I vapor recovery system rules within twenty-four months after the rules have been filed with the secretary of state. Sites with stage I vapor recovery systems that are already installed must comply with the testing requirements at the time the rules become effective.

J. A county board of supervisors or governing body of a city or town that adopts the requirements for stage I vapor recovery systems may repeal those requirements by adopting a resolution to remove the imposition of those requirements within its jurisdiction unless the county, city or town is in an ozone nonattainment area that has since been designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. On receipt of the resolution, the associate director of the division shall consult with the director of the department of environmental quality to verify that a county, city or town is outside of an ozone nonattainment area designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. After consultation with the department of environmental quality, the associate director of the division shall revise the rules to repeal the requirements for stage I vapor recovery systems within that jurisdiction as soon as practicable.

K. From and after September 30, 2018, stage II vapor recovery systems that collect vapors during vehicle refueling are prohibited in an ozone nonattainment area designated as moderate, serious, severe or extreme by the United States environmental protection agency under section 107(d) of the clean air act or area A.

3-3513. Compliance schedules

Notwithstanding section 3-3512, subsection I relating to schedules of compliance:

1. Gasoline dispensing facilities located in area A or in any other geographical area as provided in section 3-3512, subsection G for which construction began after the certification of rules adopted pursuant to section 3-3512 shall be constructed to include stage I vapor recovery systems that meet the minimum standards set forth in this chapter and division rules.
2. All gasoline dispensing sites located in area A or in any other geographical area as provided in section 3-3512, subsection G that begin underground storage tank replacement and that apply for a permit pursuant to title 49, chapter 3, article 3 or 5 on or after September 30, 1992 shall be in compliance within six months after the effective date of the rules adopted pursuant to section 3-3512. Compliance with this article is a condition of the permit.

3-3514. Stage I rule effectiveness; enhanced enforcement

The associate director shall adopt rules to:

1. Enhance enforcement of the division's stage I vapor recovery program. The enforcement shall be enhanced through programs that may include increased frequency of or targeting of inspections, increased sampling frequency, use of portable analyzers or any other technique.
2. Establish standards and fees for required inspections of vapor recovery systems.

Additional statutes from other titles that affect the Weights and Measures Services Division

3-102. Department organization

A. The Arizona department of agriculture is established consisting of the following divisions:

1. The animal services division, which is responsible for milk, dairy, livestock and aquaculture regulation, the state veterinarian, meat, poultry and egg inspection and performing the administrative functions authorized or contracted pursuant to law for the Arizona beef council.
2. The plant services division, which is responsible for entomological services.
3. The environmental services division, which is responsible for regulating seed, feed and agricultural chemicals, including pesticides and fertilizers, and for native plant protection.
4. The weights and measures services division, which is responsible for the inspection, testing and licensing of commercial weighing, measuring and counting devices.
5. The pest management division, which is responsible for regulating pest management and pest management services as defined in section 3-3601.
6. The citrus, fruit and vegetable division, which is responsible for the citrus, fruit and vegetable standardization and produce safety program under chapter 3, articles 2, 4, 4.1 and 4.3 of this title.

B. The following are established in addition to and separate from the divisions of the department:

1. The state agricultural laboratory.
2. The office of agriculture safety.
3. The office of inspections.
4. The office of commodity development and promotion.

C. The department shall have a central administrative service office providing:

1. Data processing, accounting and budgeting, records management, publications, property control and personnel services and training.
2. A program to cross-train appropriate personnel to enable them to perform similar functions or comparable work for different administrative units in the department.

3-105. Division councils

A. The director may appoint a division council within any division of the department, and shall appoint an animal services division council and a weights and measures services division council, consisting of representatives of the various industries and commodities regulated by those divisions. Any such organization may request representation on the respective division council, but the actual appointments to the division council are at the discretion of the director.

B. Members shall serve two-year terms of office that are staggered among the members. Members of division councils serve without compensation but are eligible for reimbursement for travel and other expenses as provided by law. Each division council shall select a chairman and vice-chairman from among its members. Division councils are public bodies for purposes of title 38, chapter 3, article 3.1. Each division council shall assist and make recommendations to the associate director of the division regarding the administration and implementation of the various programs within the division. The associate director shall make a written response to the division council within fifteen days to each formal recommendation made by the council.

3-615. Milk holding tanks; structural requirements; measuring device

A. A milk holding tank shall be so designed, constructed and installed as to withstand ordinary usage and permit accurate measurement of the fluid contents thereof, and shall be so maintained by the owner. The tanks shall be so designed, constructed, installed and maintained that complete delivery of the contents may be made through delivery faucets or valves. Each tank shall be plainly marked by die stamping in letters or numerals that are not less than one-fourth inch in height showing the approved calibrated capacity to the nearest gallon, and shall be equipped with a means by which the calibration level may be readily determined. The shell, bulkheads and supporting framework shall be so constructed that they will not become distorted under any condition of liquid lading, and means shall be provided for the sealing of adjustable parts in such a manner as to prevent the removal or changing of position without destroying or mutilating the seal. Each milk holding tank shall be equipped with a measuring device approved by the state inspector of the weights and measures services division of the department.

B. It shall be unlawful to alter or tamper with a milk holding tank or any part thereof in such a way as to give an inaccurate measurement of the fluid contents thereof.

28-5602. Enforcement

The following persons have authority to enforce this article:

1. The director of the department of transportation and the director's duly appointed agents.
2. The associate director of the weights and measures services division of the Arizona department of agriculture and the associate director's duly appointed agents.
3. The department of public safety and its officers.

28-5605. Use fuel tax collection; fuel dispenser labels; civil penalty

A. A vendor shall not collect more than the use fuel tax imposed pursuant to section 28-5606, subsection B, paragraph 1 from a person who purchases use fuel for use in the propulsion of a light class motor vehicle on a highway in this state or for use in the propulsion of a use class motor vehicle that is exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433 on a highway in this state.

B. Subject to the following, vendors shall label use fuel dispensers pursuant to standards established by the weights and measures services division of the Arizona department of agriculture:

1. Labels on use fuel dispensers shall notify the purchaser of the state use fuel tax rate. The department of transportation shall provide the use fuel dispenser labels to vendors.
 2. If the vendor only sells use fuel to light class motor vehicles or use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433, or both, the vendor shall post that limitation and include the tax rate prescribed in section 28-5606, subsection B, paragraph 1.
 3. If light class motor vehicles and use class motor vehicles are allowed to fuel at the same use fuel dispenser, the vendor shall include the tax rate prescribed in section 28-5606, subsection B, paragraph 2 and post a notice that the tax rate for light class motor vehicles and use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433 is the tax rate prescribed in section 28-5606, subsection B, paragraph 1.
 4. If the vendor prohibits light class motor vehicles or use class motor vehicles from dispensing fuel from a specific fuel dispenser, the vendor shall post that prohibition.
 5. In addition to posting a sign on a use fuel dispenser that indicates that the price of the use fuel dispensed from that dispenser includes the applicable federal and state taxes, a vendor that dispenses use fuel from a cardlock facility shall require the purchaser of use fuel for light class motor vehicles or use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433, or both, to complete a declaration of status in a form and a manner approved by the director. For the purposes of this paragraph, "cardlock facility" means a use fuel vendor that satisfies all of the following:
 - (a) Is licensed in this state.
 - (b) Sells only to preapproved purchasers of use fuel who have been issued cards, keys or other controlled access to identify the exclusive withdrawal of that particular purchaser.
 - (c) Does not have a representative on the premises to observe the withdrawal of use fuel from the vendor's storage.
 - (d) Measures volumes of fuel dispensed by pump meters or other accurate recording devices.
- C. A vendor who violates subsection B of this section is subject to a civil penalty of one hundred dollars for each day the violation continues.

28-5936. Confidential information; disclosure allowed

A. A person may disclose confidential information as follows:

1. Confidential information relating to:
 - (a) A taxpayer may be disclosed to the taxpayer, the taxpayer's successor in interest or a designee of the taxpayer who is authorized in writing by the taxpayer.
 - (b) A corporate taxpayer may be disclosed to a principal officer of the corporation.
 - (c) A partnership may be disclosed to a partner of the partnership, excluding disclosure of confidential information of a particular partner unless otherwise authorized.
 - (d) An estate may be disclosed to the personal representative of the estate and to an heir, next of kin or beneficiary under the will of the decedent if the director finds that the heir, next of kin or beneficiary has a material interest that will be affected by the confidential information.
 - (e) A trust may be disclosed to the trustee or trustees, jointly or separately, and to the grantor or any beneficiary of the trust if the director finds that the grantor or beneficiary has a material interest that will be affected by the confidential information.

(f) A taxpayer may be disclosed if the taxpayer has waived any rights to confidentiality either in writing or on the record in any administrative or judicial proceeding.

2. Confidential information may be disclosed to:

(a) An employee of the department whose official duties involve tax administration.

(b) The office of the attorney general or the office of a county attorney authorized in writing by the attorney general solely for its use in preparation for, or an investigation that may result in, a proceeding involving tax administration before the director, department or other agency or board of this state or before a grand jury or a state or federal court.

(c) Other state tax officials of this state whose official duties require the disclosure for proper tax administration purposes if the information is sought in connection with any investigation or other proceeding conducted by the tax official, except that a disclosure is limited to information of a taxpayer who is being investigated or who is a party to a proceeding conducted by the tax official.

(d) The United States internal revenue service or state tax officials of other states pursuant to statute and a written agreement between the director and the internal revenue service or other state, if the internal revenue service or the other state grants substantially similar privileges to the director for the type of information being sought.

(e) The auditor general if in connection with an audit of the department subject to the restrictions in section 28-5935, subsection B.

(f) Any person to the extent necessary for effective tax administration in connection with the processing, storage, transmission and reproduction of the information and the programming, maintenance, repair, testing and procurement of equipment for purposes of tax administration.

3. Confidential information may be disclosed in a state or federal judicial or administrative proceeding pertaining to tax administration if:

(a) The taxpayer is a party to the proceeding.

(b) The treatment of an item reflected in the information is directly related to the resolution of an issue in the proceeding.

(c) The information directly relates to a transactional relationship between a person who is a party to the proceeding and the taxpayer that directly affects the resolution of an issue in the proceeding.

4. Identity information may be disclosed for purposes of notifying persons entitled to tax refunds if the director is unable to locate the persons after reasonable effort.

5. If necessary to effect collection of a delinquent tax, penalties or interest, the outstanding obligation and information obtained in the collection investigation may be disclosed.

6. The director may disclose statistical information gathered from confidential information if the disclosure does not include confidential information attributable to any one taxpayer.

7. Confidential information may be disclosed to law enforcement agencies for law enforcement purposes.

B. Except as provided in section 28-5935, subsection B, a court may order the director to disclose confidential information pertaining to a party to an action. The court shall make an order only on a showing of good cause and that the party seeking the information has made demand on the taxpayer for the information.

C. Except as prescribed in subsection D of this section or except if required to do so by a court, it is unlawful for a person to disclose information acquired by the director or an agent under section 28-5620. This subsection does not mean that the information or evidence is privileged if it is used

by this state or an officer of this state in an action for collection of the tax or a prosecution for a violation of article 1 of this chapter.

D. The department of transportation shall provide information to the weights and measures services division of the Arizona department of agriculture to determine compliance with title 3, chapter 19, article 7. A gasoline dispensing site shall provide the department of transportation with information the director of the department of transportation requests and in the form that the director of the department of transportation determines is necessary for the purposes of this subsection.

E. This article does not prevent the director from disclosing to a person any aggregate statistical information gathered from confidential information regarding the distribution of gasoline sales by a distributor in each of the several counties of this state. The director shall provide this gasoline sales distribution information to a person pursuant to section 39-121.

41-1009. Inspections and audits; applicability; exceptions

A. An agency inspector, auditor or regulator who enters any premises of a regulated person for the purpose of conducting an inspection or audit shall, unless otherwise provided by law:

1. Present photo identification on entry of the premises.
2. On initiation of the inspection or audit, state the purpose of the inspection or audit and the legal authority for conducting the inspection or audit.
3. Disclose any applicable inspection or audit fees. Notwithstanding any other law, a regulated person being inspected or audited is responsible for only the direct and reasonable costs of the inspection or audit and is entitled to receive a detailed billing statement as described in paragraph 5, subdivision (e) of this subsection.
4. Afford an opportunity to have an authorized on-site representative of the regulated person accompany the agency inspector, auditor or regulator on the premises, except during confidential interviews.
5. Provide notice of the right to have on request:
 - (a) Copies of any original documents taken by the agency during the inspection or audit if the agency is allowed by law to take original documents.
 - (b) A split of any samples taken during the inspection if the split of any samples would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 - (d) Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise allowed by law to do so.
 - (e) A detailed billing statement that provides reasonable specificity of the inspection or audit fees imposed pursuant to paragraph 3 of this subsection and that cites the statute or rule that authorizes the fees being charged.
6. Inform each person whose conversation with the agency inspector, auditor or regulator during the inspection or audit is tape recorded that the conversation is being tape recorded.
7. Inform each person who is interviewed during the inspection or audit that:
 - (a) Statements made by the person may be included in the inspection or audit report.
 - (b) Participation in an interview is voluntary, unless the person is legally compelled to participate in the interview.

(c) The person is allowed at least twenty-four hours to review and revise any written witness statement that is drafted by the agency inspector, auditor or regulator and on which the agency inspector, auditor or regulator requests the person's signature.

(d) The agency inspector, auditor or regulator may not prohibit the regulated person from having an attorney or any other experts in their field present during the interview to represent or advise the regulated person.

8. At the end of the inspection, offer to review, with an authorized representative of the regulated person, the findings of the inspection and what agency actions the regulated person can expect.

B. On initiation of an audit or an inspection of any premises of a regulated person, an agency inspector, auditor or regulator shall provide the following in writing:

1. The rights described in subsection A of this section and section 41-1001.01, subsection C.

2. The name and telephone number of a contact person who is available to answer questions regarding the inspection or audit.

3. The due process rights relating to an appeal of a final decision of an agency based on the results of the inspection or audit, including the name and telephone number of a person to contact within the agency and any appropriate state government ombudsman.

4. A statement that the agency inspector, auditor or regulator may not take any adverse action, treat the regulated person less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field.

5. A notice that if the information and documents provided to the agency inspector, auditor or regulator become a public record, the regulated person may redact trade secrets and proprietary and confidential information unless the information and documents are confidential pursuant to statute.

6. The time limit or statute of limitations applicable to the right of the agency inspector, auditor or regulator to file a compliance action against the regulated person arising from the inspection or audit, which applies to both new and amended compliance actions.

C. An agency inspector, auditor or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, and is notified of the regulated person's or on-site representative of the regulated person's inspection or audit and due process rights. The agency inspector, auditor or regulator may provide an electronic document of the writing prescribed in subsection B of this section and section 41-1001.01, subsection C and, at the request of the regulated person or on-site representative, obtain a receipt in the form of an electronic signature. The agency shall maintain a copy of this signature with the inspection or audit report and shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, the agency inspector, auditor or regulator shall note that fact on the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable.

D. An agency that conducts an inspection shall give a copy of the inspection report to the regulated person or on-site representative of the regulated person either:

1. At the time of the inspection.

2. Notwithstanding any other state law, within thirty working days after the inspection.

3. As otherwise required by federal law.

E. The inspection report shall contain alleged deficiencies identified during an inspection. Unless otherwise provided by state or federal law, the agency shall provide the regulated person an opportunity to correct the alleged deficiencies unless the agency documents in writing as part of the inspection report that the alleged deficiencies are:

1. Committed intentionally.

2. Not correctable within a reasonable period of time as determined by the agency.

3. Evidence of a pattern of noncompliance as demonstrated by alleged deficiencies previously identified in an inspection report or other written notice at the same premises.

4. A significant risk to any person, the public health, safety or welfare or the environment.

F. If the agency is unsure whether a regulated person meets the exemptions in subsection E of this section, the agency shall provide the regulated person with an opportunity to correct the alleged deficiencies.

G. If the agency allows the regulated person an opportunity to correct the alleged deficiencies pursuant to subsection E of this section, the regulated person shall notify the agency when the alleged deficiencies have been corrected. Within thirty days after receipt of notification from the regulated person that the alleged deficiencies have been corrected, the agency shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance. If the regulated person fails to correct the alleged deficiencies or the agency determines the alleged deficiencies have not been corrected within a reasonable period of time, the agency may take any enforcement action authorized by law for the alleged deficiencies.

H. If the agency does not allow the regulated person an opportunity to correct alleged deficiencies pursuant to subsection E of this section, on the request of the regulated person, the agency shall provide a detailed written explanation of the reason that an opportunity to correct was not allowed.

I. An agency decision pursuant to subsection E or G of this section is not an appealable agency action.

J. At least once every month after the commencement of the inspection, an agency shall provide a regulated person with an update on the status of any agency action resulting from an inspection of the regulated person. An agency is not required to provide an update after the regulated person is notified that no agency action will result from the agency inspection or after the completion of agency action resulting from the agency inspection.

K. For agencies with authority under title 49, if, as a result of an inspection or any other investigation, an agency alleges that a regulated person is not in compliance with licensure or other applicable regulatory requirements, the agency shall provide written notice of that allegation to the regulated person. The notice shall contain the following information:

1. A citation to the statute, regulation, license or permit condition on which the allegation of deficiency is based, including the specific provisions in the statute, regulation, license or permit condition that are alleged to be violated.

2. Identification of any documents relied on when determining the allegation of deficiency.

3. An explanation stated with reasonable specificity of the regulatory and factual basis for the allegation of deficiency.

4. Instructions for obtaining a timely opportunity to discuss the alleged deficiencies with the agency.

L. Subsection K of this section applies only to inspections or any other investigations necessary for the issuance of a license or to determine compliance with licensure or other regulatory requirements. Subsection K of this section does not apply to an action taken pursuant to section 11-871, 11-876, 11-877, 49-457.01, 49-457.03 or 49-474.01. Issuance of a notice under subsection K of this section is not a prerequisite to otherwise lawful agency actions seeking an injunction or issuing an order if the agency determines that the action is necessary on an expedited basis to abate an imminent and substantial endangerment to public health or the environment and documents the basis for that determination in the documents initiating the action.

M. This section does not authorize an inspection or any other act that is not otherwise authorized by law.

N. Except as otherwise provided in subsection L of this section, this section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure or other regulatory requirements applicable to a licensee and audits pursuant to enforcement of title 23, chapters 2 and 4. This section does not apply:

1. To criminal investigations, investigations under tribal state gaming compacts and undercover investigations that are generally or specifically authorized by law.
2. If the agency inspector, auditor or regulator has reasonable suspicion to believe that the regulated person may be engaged in criminal activity.
3. To the Arizona peace officer standards and training board established by section 41-1821.
4. To certificates of convenience and necessity that are issued by the corporation commission pursuant to title 40, chapter 2.

O. If an agency inspector, auditor or regulator gathers evidence in violation of this section, the violation may be a basis to exclude the evidence in a civil or administrative proceeding.

P. Failure of an agency, board or commission employee to comply with this section:

1. May subject the employee to disciplinary action or dismissal.
2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.

Q. An agency may make rules to implement subsection A, paragraph 5 of this section.

R. Nothing in this section shall be used to exclude evidence in a criminal proceeding.

S. Subsection A, paragraph 7, subdivision (c) and subsection E of this section do not apply to the department of health services for the purposes of title 36, chapters 4 and 7.1.

T. Subsection B, paragraph 5 and subsection E of this section do not apply to the corporation commission for the purposes of title 44, chapters 12 and 13.

U. Except as otherwise prescribed by this section and notwithstanding any other law:

1. This section applies to all state agencies that conduct inspections and audits.
2. If a conflict arises between the rights afforded a regulated person pursuant to this section and the rights afforded a regulated person pursuant to another statute, this section governs.

42-6004. Exemption from municipal tax; definitions

A. A city, town or special taxing district shall not levy a transaction privilege, sales, use or other similar tax on:

1. Exhibition events in this state sponsored, conducted or operated by a nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the organization is associated with a major league baseball team or a national

touring professional golfing association and no part of the organization's net earnings inures to the benefit of any private shareholder or individual. This paragraph does not apply to an organization that is owned, managed or controlled, in whole or in part, by a major league baseball team, or its owners, officers, employees or agents, or by a major league baseball association or professional golfing association, or its owners, officers, employees or agents, unless the organization conducted or operated exhibition events in this state before January 1, 2018 that were exempt from state transaction privilege tax under section 42-5073.

2. Interstate telecommunications services, which include that portion of telecommunications services, such as subscriber line service, allocable by federal law to interstate telecommunications service.

3. Sales of warranty or service contracts.

4. Sales of motor vehicles to nonresidents of this state for use outside this state if either of the following apply:

(a) The motor vehicle dealer ships or delivers the motor vehicle to a destination outside this state.

(b) The vehicle, trailer or semitrailer has a gross vehicle weight rating of more than ten thousand pounds, is used or maintained to transport property in the furtherance of interstate commerce and otherwise meets the definition of commercial motor vehicle as defined in section 28-5201.

5. Interest on finance contracts.

6. Dealer documentation fees on the sales of motor vehicles.

7. Orthodontic devices dispensed by a dental professional who is licensed under title 32, chapter 11 to a patient as part of the practice of dentistry.

8. Sales of internet access services to the person's subscribers and customers. For the purposes of this paragraph:

(a) "Internet" means the computer and telecommunications facilities that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocol, to communicate information of all kinds by wire or radio.

(b) "Internet access" means a service that enables users to access content, information, electronic mail or other services over the internet. Internet access does not include telecommunication services provided by a common carrier.

9. The gross proceeds of sales or gross income retained by the Arizona exposition and state fair board from ride ticket sales at the annual Arizona state fair.

10. Leasing real property between affiliated companies, businesses, persons or reciprocal insurers. For the purposes of this paragraph:

(a) "Affiliated companies, businesses, persons or reciprocal insurers" means the lessor holds a controlling interest in the lessee, the lessee holds a controlling interest in the lessor, affiliated persons hold a controlling interest in both the lessor and the lessee, or an unrelated person holds a controlling interest in both the lessor and lessee.

(b) "Affiliated persons" means members of the individual's family or persons who have ownership or control of a business entity.

(c) "Controlling interest" means direct or indirect ownership of at least eighty percent of the voting shares of a corporation or of the interests in a company, business or person other than a corporation.

(d) "Members of the individual's family" means the individual's spouse and brothers and sisters, whether by whole or half blood, including adopted persons, ancestors and lineal descendants.

(e) "Reciprocal insurer" has the same meaning prescribed in section 20-762.

11. The gross proceeds of sales or gross income derived from a contract for the installation, assembly, repair or maintenance of machinery, equipment or other tangible personal property that is described in section 42-5061, subsection B and that has independent functional utility, pursuant to the following provisions:

(a) The deduction provided in this paragraph includes the gross proceeds of sales or gross income derived from all of the following:

(i) Any activity performed on machinery, equipment or other tangible personal property with independent functional utility.

(ii) Any activity performed on any tangible personal property relating to machinery, equipment or other tangible personal property with independent functional utility in furtherance of any of the purposes provided for under subdivision (d) of this paragraph.

(iii) Any activity that is related to the activities described in items (i) and (ii) of this subdivision, including inspecting the installation of or testing the machinery, equipment or other tangible personal property.

(b) The deduction provided in this paragraph does not include gross proceeds of sales or gross income from the portion of any contracting activity that consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of machinery, equipment or other tangible personal property described in section 42-5061, subsection B.

(c) The deduction provided in this paragraph shall be determined without regard to the size or useful life of the machinery, equipment or other tangible personal property.

(d) For the purposes of this paragraph, "independent functional utility" means that the machinery, equipment or other tangible personal property can independently perform its function without attachment to real property, other than attachment for any of the following purposes:

(i) Assembling the machinery, equipment or other tangible personal property.

(ii) Connecting items of machinery, equipment or other tangible personal property to each other.

(iii) Connecting the machinery, equipment or other tangible personal property, whether as an individual item or as a system of items, to water, power, gas, communication or other services.

(iv) Stabilizing or protecting the machinery, equipment or other tangible personal property during operation by bolting, burying or performing other dissimilar nonpermanent connections to either real property or real property improvements.

12. The leasing or renting of certified ignition interlock devices installed pursuant to the requirements prescribed by section 28-1461. For the purposes of this paragraph, "certified ignition interlock device" has the same meaning prescribed in section 28-1301.

13. Computer data center equipment sold to the owner, operator or qualified colocation tenant of a computer data center that is certified by the Arizona commerce authority under section 41-1519 or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in the qualified computer data center. For the purposes of this paragraph, "computer data center", "computer data center equipment", "qualification period" and "qualified colocation tenant" have the same meanings prescribed in section 41-1519.

14. The gross proceeds of sales or gross income derived from a contract with the owner of real property or improvements to real property for the maintenance, repair, replacement or alteration of existing property, except as specified in this paragraph. The gross proceeds of sales or gross income derived from a de minimis amount of modification activity does not subject the contract or any part of the contract to tax. For the purposes of this paragraph:

(a) Each contract is independent of another contract, except that any change order that directly relates to the scope of work of the original contract shall be treated the same as the original contract under this paragraph, regardless of the amount of modification activities included in the change order. If a change order does not directly relate to the scope of work of the original contract, the change order shall be treated as a new contract, with the tax treatment of any subsequent change order to follow the tax treatment of the contract to which the scope of work of the subsequent change order directly relates.

(b) Any term not defined in this paragraph that is defined in section 42-5075 has the same meaning prescribed in section 42-5075.

(c) This paragraph does not apply to a contract that primarily involves surface or subsurface improvements to land and that is subject to title 28, chapter 19, 20 or 22 or title 34, chapter 2 or 6 even if the contract also includes vertical improvements. If a city or town imposes a tax on contracts that are subject to procurement processes under those provisions, the city or town shall include in the request for proposals a notice to bidders when those projects are subject to the tax. This subdivision does not apply to contracts with:

(i) Community facilities districts, fire districts, county television improvement districts, community park maintenance districts, cotton pest control districts, hospital districts, pest abatement districts, health service districts, agricultural improvement districts, county free library districts, county jail districts, county stadium districts, special health care districts, public health services districts, theme park districts or revitalization districts.

(ii) Any special taxing district not specified in item (i) of this subdivision if the district does not substantially engage in the modification, maintenance, repair, replacement or alteration of surface or subsurface improvements to land.

15. Monitoring services relating to an alarm system as defined in section 32-101.

16. Tangible personal property, job printing or publications sold to or purchased by, or tangible personal property leased, rented or licensed for use to or by, a qualifying health sciences educational institution as defined in section 42-5001.

17. The transfer of title or possession of coal back and forth between an owner or operator of a power plant and a person who is responsible for refining coal if both of the following apply:

(a) The transfer of title or possession of the coal is for the purpose of refining the coal.

(b) The title or possession of the coal is transferred back to the owner or operator of the power plant after completion of the coal refining process. For the purposes of this subdivision, "coal refining process" means the application of a coal additive system that aids the reduction of power plant emissions during the combustion of coal and the treatment of flue gas.

18. Tangible personal property incorporated or fabricated into a project described in paragraph 14 of this subsection, that is located within the exterior boundaries of an Indian reservation for which the owner, as defined in section 42-5075, of the project is an Indian tribe or an affiliated Indian. For the purposes of this paragraph:

(a) "Affiliated Indian" means an individual Native American Indian who is duly registered on the tribal rolls of the Indian tribe for whose benefit the Indian reservation was established.

(b) "Indian reservation" means all lands that are within the limits of areas set aside by the United States for the exclusive use and occupancy of an Indian tribe by treaty, law or executive order and that are recognized as Indian reservations by the United States department of the interior.

(c) "Indian tribe" means any organized nation, tribe, band or community that is recognized as an Indian tribe by the United States department of the interior and includes any entity formed under the laws of that Indian tribe.

19. The charges for the leasing or renting of space to make attachments to utility poles as follows:

(a) By a person that is engaged in the business of providing or furnishing electrical services or telecommunication services or that is a cable operator.

(b) To a person that is engaged in the business of providing or furnishing electrical services or telecommunication services or that is a cable operator.

20. Until March 1, 2017, the gross proceeds of sales or gross income derived from entry fees paid by participants for events that consist of a run, walk, swim or bicycle ride or a similar event, or any combination of these events.

21. The gross proceeds of sales or gross income derived from entry fees paid by participants for events that are operated or conducted by nonprofit organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code and of which no part of the organization's net earnings inures to the benefit of any private shareholder or individual, if the event consists of a run, walk, swim or bicycle ride or a similar event, or any combination of these events.

22. The gross proceeds of sales or gross income derived from sales of machinery and equipment used directly for energy storage for later electrical use. For the purposes of this paragraph:

(a) "Electric utility scale" means a person that is engaged in a business activity described in section 42-5063, subsection A or such person's equipment or wholesale electricity suppliers.

(b) "Energy storage" means commercially available technology for electric utility scale that is capable of absorbing energy, storing energy for a period of time and thereafter dispatching the energy and that uses mechanical, chemical or thermal processes to store energy.

(c) "Machinery and equipment used directly" means all machinery and equipment that are used for electric energy storage from the point of receipt of such energy in order to facilitate storage of the electric energy to the point where the electric energy is released.

23. The gross proceeds of sales or gross income derived from a contract to install containment structures. For the purposes of this paragraph, "containment structure" means a structure that prevents, monitors, controls or reduces noxious or harmful discharge into the environment.

B. A city, town or other taxing jurisdiction shall not levy a transaction privilege, sales, use, franchise or other similar tax or fee, however denominated, on natural gas or liquefied petroleum gas used to propel a motor vehicle.

C. A city, town or other taxing jurisdiction shall not levy a transaction privilege, sales, gross receipts, use, franchise or other similar tax or fee, however denominated, on gross proceeds of sales or gross income derived from any of the following:

1. A motor carrier's use on the public highways in this state if the motor carrier is subject to a fee prescribed in title 28, chapter 16, article 4.

2. Leasing, renting or licensing a motor vehicle subject to and on which the fee has been paid under title 28, chapter 16, article 4.

3. The sale of a motor vehicle and any repair and replacement parts and tangible personal property becoming a part of such motor vehicle to a motor carrier who is subject to a fee prescribed in title 28, chapter 16, article 4 and who is engaged in the business of leasing, renting or licensing such property.

4. Incarcerating or detaining in a privately operated prison, jail or detention facility prisoners who are under the jurisdiction of the United States, this state or any other state or a political subdivision of this state or of any other state.

5. Transporting for hire persons, freight or property by light motor vehicles subject to a fee under title 28, chapter 15, article 4.

6. Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer. For the purposes of this paragraph:

(a) The attributable amount shall not exceed the value of the development fees actually imposed.

(b) The attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(c) "Development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to section 9-463.05, section 11-1102 or title 48 regardless of the jurisdiction to which the fees are paid.

7. Any amount attributable to fees collected by transportation network companies issued a permit pursuant to section 28-9552.

8. Transporting for hire persons by transportation network company drivers on transactions involving transportation network services as defined in section 28-9551.

9. Transporting for hire persons by vehicle for hire companies that are issued permits pursuant to section 28-9503.

10. Transporting for hire persons by vehicle for hire drivers on transactions involving vehicle for hire services as defined in section 28-9501.

D. A city, town or other taxing jurisdiction shall not levy a transaction privilege, sales, use, franchise or other similar tax or fee, however denominated, in excess of one-tenth of one percent of the value of the entire product mined, smelted, extracted, refined, produced or prepared for sale, profit or commercial use, on persons engaged in the business of mineral processing, except to the extent that the tax is computed on the gross proceeds or gross income from sales at retail.

E. In computing the tax base, any city, town or other taxing jurisdiction shall not include in the gross proceeds of sales or gross income:

1. A manufacturer's cash rebate on the sales price of a motor vehicle if the buyer assigns the buyer's right in the rebate to the retailer.

2. The waste tire disposal fee imposed pursuant to section 44-1302.

F. A city or town shall not levy a use tax on the storage, use or consumption of tangible personal property in the city or town by a school district or charter school.

G. A city, town or taxing jurisdiction shall not levy a transaction privilege, sales, gross receipts, use, franchise or other similar tax or fee, however denominated, on gross proceeds of sales or gross income derived from over-the-top services. For the purposes of this subsection, "over-the-top services" means audio or video programming services that are received by the purchaser by means of an internet connection, regardless of the technology used, that include linear or live programming and that are generally considered comparable to programming provided by a radio or television broadcast station and includes related on-demand programming that is provided at no additional charge, regardless of whether the services are provided independently or packaged with other audio or video programming.

H. For the purposes of this section:

1. "Cable operator" has the same meaning prescribed in section 9-505 and includes a video service provider.

2. "Electrical services" means transmitting or distributing electricity, electric lights, current or power over lines, wires or cables.
3. "Telecommunication services" means transmitting or relaying sound, visual image, data, information, images or material over lines, wires or cables by radio signal, light beam, telephone, telegraph or other electromagnetic means.
4. "Utility pole" means any wooden, metal or other pole used for utility purposes and the pole's appurtenances that are attached or authorized for attachment by the person controlling the pole.

44-1374. Confidentiality of petroleum industry information; disclosure; supply emergency; definitions

- A. A governmental entity shall classify as confidential and not publicly disclose any documents or other information that is received from any petroleum industry related private or public source if the person or entity that provides the information agrees to provide the information only on the express condition that the information remain confidential.
- B. If a governmental entity receives a request to publicly disclose information that is confidential information or for any other reason proposes to publicly disclose confidential information, the governmental entity shall provide to the person or entity that submitted the confidential information notice in writing of the request or proposal to disclose. The notice shall identify the confidential information that would be disclosed and indicate the form in which the confidential information would be provided. On receipt of the notice, the person or entity that submitted the confidential information has fifteen working days in which to respond to the notice and to either withdraw the request for confidentiality or justify to the governmental entity the claim of confidentiality on each specific item of confidential information covered by the notice.
- C. The governmental entity shall consider the response in determining whether to publicly disclose any confidential information for which a justification has been submitted. Unless the governmental entity determines that there is no trade secret or other legitimate justification for the confidentiality being claimed by the respondent, the governmental entity shall not disclose any confidential information for which a justification has been timely submitted. If the governmental entity determines that there is no trade secret or other legitimate justification for all or a portion of the confidentiality claim, the governmental entity shall issue a written decision that sets forth the reasons for making that determination. The governmental entity shall deliver a copy of the decision to the person or entity submitting the confidential information and the person requesting public disclosure of the confidential information.
- D. Notwithstanding a determination that there is no legitimate justification for a claim of confidentiality, and to allow the person or entity that submitted the confidential information to seek direct judicial intervention to prevent its release, the governmental entity shall not publicly disclose confidential information submitted to the governmental entity pursuant to this section for at least fifteen working days after the date on which the governmental entity has issued and disclosed the written determination pursuant to this section.
- E. If any legal or administrative action is filed with any court or other agency seeking to force disclosure of any confidential information, the governmental entity, within five working days of being served with the action, shall notify in writing the person or entity that submitted the confidential information of the action to allow the person or entity that submitted the confidential information to intervene in the action.
- F. Confidential information shall not be classified or maintained as confidential if the governmental entity determines that the confidential information has already been made public by the submitting person or entity and advises, in writing, the person or entity that submitted the confidential information of this determination. Notwithstanding a determination that the

confidential information has already been made public by the submitting person or entity, the governmental entity shall not publicly disclose the confidential information for at least five working days after the governmental entity has advised the submitting person or entity to allow the person or entity that submitted the confidential information to seek direct judicial intervention to prevent its release.

G. This section protects petroleum industry related confidential information submitted to a governmental entity but does not impose any requirement that information of any type from any source be submitted to any governmental entity.

H. If there is a statewide or regional shortage or threatened shortage of a product or service that is essential to the health, safety and welfare of the people of this state due to an abnormal market disruption resulting from any natural disaster, weather condition, act of nature, strike, civil disorder, war, national or local emergency or other extraordinary adverse circumstance, the governor may proclaim that a supply emergency exists. If a supply emergency is declared pursuant to this subsection and a majority of the persons or entities that are the subject of the supply emergency has provided information to the governmental entity, the governmental entity may only disclose the unattributable aggregated total of all sources of confidential information.

I. For the purposes of this section:

1. "Confidential information" means all of the following:

(a) The information is not and has not been reasonably obtainable by legitimate means by other persons without the consent of the person providing the information, other than by governmental entities and other than in discovery based on a showing of a special need in a judicial or quasi-judicial proceeding.

(b) A statute does not specifically require disclosure of the information to the public.

(c) The person has satisfactorily shown that disclosing the information is likely to cause substantial harm to the competitive position of the person providing the information.

2. "Governmental entity" means an agency, board, department or commission of this state, the state legislature and all agencies or committees of the state legislature but does not include the courts of this state.

3. "Publicly disclose" means to reveal the contents of information that has been classified as confidential to any third person or entity that is not bound by this section.

49-541. Definitions

In this article, unless the context otherwise requires:

1. "Area A" means the area delineated as follows:

(a) In Maricopa county:

Township 8 north, range 2 east and range 3 east

Township 7 north, range 2 west through range 5 east

Township 6 north, range 5 west through range 6 east

Township 5 north, range 5 west through range 7 east

Township 4 north, range 5 west through range 8 east

Township 3 north, range 5 west through range 8 east

Township 2 north, range 5 west through range 8 east

Township 1 north, range 5 west through range 7 east

Township 1 south, range 5 west through range 7 east

Township 2 south, range 5 west through range 7 east

Township 3 south, range 5 west through range 1 east

Township 4 south, range 5 west through range 1 east

(b) In Pinal county:

Township 1 north, range 8 east and range 9 east

Township 1 south, range 8 east and range 9 east

Township 2 south, range 8 east and range 9 east

Township 3 south, range 7 east through range 9 east

(c) In Yavapai county:

Township 7 north, range 1 east and range 1 west through range 2 west

Township 6 north, range 1 east and range 1 west

2. "Area B" means the area delineated in Pima county as township 11 and 12 south, range 12 through 14 east; township 13 through 15 south, range 11 through 16 east; township 16 south, range 12 through 16 east, excluding any portion of the Coronado national forest and the Saguaro national park.

3. "Certificate of inspection" means a serially numbered device or symbol, as may be prescribed by the director, indicating that a vehicle has been inspected pursuant to the provisions of section 49-546 and has passed inspection.

4. "Certificate of waiver" means a uniquely numbered device or symbol, as may be prescribed by the director, indicating that the requirement of passing reinspection has been waived for a vehicle pursuant to the provisions of this article.

5. "Conditioning mode" means either a fast idle test or a loaded test.

6. "Curb idle test" means an exhaust emissions test conducted with the engine of a vehicle running at the manufacturer's specified idle speed plus or minus one hundred revolutions per minute but without pressure exerted on the accelerator.

7. "Emissions inspection station permit" means a certificate issued by the director authorizing the holder to perform vehicular inspections pursuant to this article.

8. "Fast idle test" means an exhaust emissions test conducted with the engine of the vehicle running under an accelerated condition to an extent prescribed by the director.

9. "Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the director.

10. "Golf cart" means a motor vehicle which has not less than three wheels in contact with the ground, has an unladen weight of less than thirteen hundred pounds, is designed to be and is operated at not more than fifteen miles an hour and is designed to carry golf equipment and persons.

11. "Gross weight" has the same meaning prescribed in section 28-5431.

12. "Independent contractor" means any person, business, firm, partnership or corporation with which the director may enter into an agreement providing for the construction, equipment, maintenance, personnel, management and operation of official emissions inspection stations pursuant to section 49-545.

13. "Loaded test" means an exhaust emissions test conducted at cruise or transient conditions as prescribed by the director.

14. "Official emissions inspection station" means an inspection facility, other than a fleet emissions inspection station, whether placed in a permanent structure or in a mobile unit for conveyance among various locations within this state, for the purpose of conducting emissions inspections of all vehicles required to be inspected pursuant to this article.

15. "Tampering" means removing, defeating or altering an emissions control device which was installed at the time a vehicle was manufactured.

16. "Vehicle" means any automobile, truck, truck tractor, motor bus or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, road rollers or road machinery temporarily operated upon the highway.

17. "Vehicle emissions control area" means area A or area B.

Violation Codes							
#	Description	A.R.S.	A.A.C. R3-7-	NIST Handbook	Handbook Citation	Enforcement Tag Recommendation	Rec'd Warning Time Frame
<i>GENERAL</i>							
101	Commercial device not licensed	3-3451	201			Blue (if unable to submit PISR)	
102	Registration in favor of device owner/operator	3-3413		44	G-T.	Red	
103	Registration in favor of consumer	3-3413		44	G-T.	No tag, document only	
104	Device not NTEP/CTEP approved	3-3413 (NTEP only)	203			Blue	
106	Unauthorized tag removal	3-3473(B)(3)				Blue	
107	Missing/broken calibration seal	3-3413		44	G-UR.4.5.	Yellow (if 103 and WMSD cannot seal)	7 days
<i>NO INSPECTION</i>							
110	Business closed/no show						
111	Location no longer in business						
113	Device/commodity not found						
114	Inspection canceled by administrative staff						
<i>COMMERCIAL DEVICE</i>							
200	Device will not indicate zero or zero-balance condition	3-3413		44	Varies by device type	Red	
201	Marking/identification requirements	3-3413		44	G-S.1.	Yellow	30 days
202	Device not suitable for use/incorrect installation	3-3413		44	G-UR.1.1./G-UR.2.1.	Yellow (Blue if device not capable of compliance)	30 days
203	Vehicle scale: Approach requirements	3-3413		44	UR.2.6.1. (Sec 2.20.)	Yellow	30 days
204	Vehicle scale: Split draft weighing (non-Weighmaster)	3-3413		44	UR.3.3. (Sec 2.20.)	No tag, document only	
205	Price posting	3-3431	402			Blue (if unable to correct during inspection)	
206	Predominately in favor of owner	3-3413		44	G-UR.4.1.	Yellow	7 days
207	Timing device: Posted rate/time representation	3-3413		44	UR.1./UR.2.	Yellow	7 days
208	Unattended device: Responsible party contact information (excl. fueling device)	3-3413		44	G-UR.3.4.	Yellow	7 days
209	Accessibility/assistance in inspection and testing	3-3413		44	G-UR.2.3. G-UR.4.4.	Admin. order to provide assistance within time frame	7 days
210	Abnormal device performance	3-3413		44	G-UR.4.2.	Red	

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211	Scale: Shift/section test failure	3-3413		44	T.N.4.4.	Yellow or Red depending on direction of error	7 days (yellow tag)
WEIGHMASTER							
300	Weight certificate violation	3-3453(H)	505			Admin. order	
301	Seal of Authority	3-3453(H)	506			Admin. order	
302	Weighmaster/deputy not licensed	3-3453(A)	507(A)			Admin. order	
303	Recordkeeping	3-3453(H)	505(G)			Admin. order	
304	Scale requirements/evidence of split draft weighing	3-3453(A)(2)	504			Admin. order	
PACKAGED COMMODITIES							
400	Incorrect method of sale	3-3431	302	130	Method of Sale	Blue (if unable to correct during inspection)	
401	Labeling requirements	3-3431(F), (G)	302	130	Packaging & Labeling	Blue (if unable to correct during inspection)	
402	Does not meet declared quantity	3-3431(A), (I)	302	133		Blue (if unable to correct during inspection)	
410	Bulk sale delivery ticket requirements	3-3431(E)	302	130		Blue (if unable to correct during inspection)	
RETAIL PRICING							
403	Scanned price overcharge	3-3431(C)	402(C)			Blue (if unable to correct during inspection)	
406	Advertised price incorrect	3-3431(C)				Blue (if unable to correct during inspection)	
407	Price posting requirements	3-3431(F)(4)	402			Blue (if unable to correct during inspection)	
408	Price error policy not available/No means for recording price	3-3431(O)				Admin. order	
409	No check-out display/display not visible to consumer		402			Admin. order	
COMMERCIAL FUELING DEVICES							
197	Pulser tampering device found						
198	Skimmer found						
501	Required information on dispenser/tank (describe missing info)	3-3413; 3-3433(B)	705; 713	44	S.1.6.4.2. (dispenser product info) UR.2.5. (tank product info)	Yellow	7 days
502	Street price sign	3-3431(C), (J); 3-3433(B)	704			Admin. order (if unable to correct during inspection)	
503	Price computation	3-3413		44	G-S.5.5. S.1.6.5.	Red	
511	Meter jump	3-3413		44	G-UR.4.2.	Red	
512	Meter creep	3-3413		44	G-UR.4.2.	Red	
513	Indicator readability (total sale, gallons, and/or price indicators not legible/missing segments)	3-3413	705(F)	44	G-S.5.1.	Red	

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514	Nozzle: Anti-drain	3-3413		44	S.3.7.	Red	
515	Nozzle: Auto-shutoff	3-3413		44	G-UR.4.1.	Red	
516	Nozzle: Hold-open latch	3-3436	717(A)			Red	
517	Fuel dispenser product leak	3-3413		44	G-UR.4.1.	Red	
518	Nozzle: Grip guard color	3-3436	717(D)			Red	
519	Dispenser filter requirements		717(C)			Yellow	7 days
699	Incorrect blend ratio (under FLD insp.)	3-3433(B)				Red	
798	Vapor recovery equipment, maintenance, inspection log (under FLD insp.)	3-3512	1007			Admin. order (Blue tag for damaged components)	

LPG

551	Meter jump (LPG)	3-3413		44	G-UR.4.2.	Red	
552	Meter creep (LPG)	3-3413		44	G-UR.4.2.	Red	
553	Indicator readability (LPG)	3-3413		44	G-S.5.1.	Red	
554	Method of sale (LPG)	3-3431(D)	302	130	2.21.	Blue (if unable to correct during inspection)	
555	Product leak, safety issue (LPG)	3-3413		44	G-UR.4.1.	Red	
556	Device specification requirements (ATC, thermometer well, etc.)	3-3413		44	Specifications (3.32.)	Red	

MOTOR FUEL QUALITY

600	Product transfer document	3-3498	707(E)			Admin. order	
601	Octane	3-3433	715			Blue	
602	Product labeling (dispenser, tank)	3-3433(B)	705; 713			Yellow	7 days
603	Other motor fuel specifications	3-3433(A)	715; 751			Blue	
604	Water	3-3433	711; 712; 715			Blue	
605	Oxygenate content	3-3433; 3-3492; 3-3495	708; 710; 751			Blue	
598	Non-product labels: Tax, contact info, etc. (under FLQ insp.)	3-3431(K); 28-5605(B)	705(D), (E)			Yellow	7 days
799	Vapor recovery equipment, maintenance (under FLQ insp.)	3-3512	1007			Admin. order (Blue tag for damaged components)	

GASOLINE VAPOR RECOVERY

700	ATC: No approval/expired permit	3-3512(D), (E)	1004			Admin. order	
701	CARB or Division-approved system specifications not met	3-3512(A), (C), (E)	1003; 1007			Blue	
702	Pre-burial not scheduled	3-3512(E)	1004(G)			Admin. order	
703	Annual test not scheduled	3-3512(C)	1010			Blue	
704	ATC not maintained at site during construction		1004(E)(1)			Admin. order	
705	Inspection/maintenance/training logs	3-3512(C)	1008; 1009			Admin. order	
706	RSR late/no-show for scheduled inspection		1005(F); 1010			No tag, document only	
707	Throughput reporting		1002			Admin. order	
710	Pressure decay test	3-3512(C)	1005(A); 1010(B)			Blue	

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713	Ullage; fuel delivery too late	3-3512(C)	1005(A); 1010(B)			No tag, document only	
731	Pressure/vacuum vent valve test	3-3512(C)	1005(A); 1010(B)			Blue	
733	Tie-tank test	3-3512(C)	1005(A); 1010(B)			Blue	
734	Static torque test	3-3512(C)	1005(A); 1010(B)			Blue	
<i>REGISTERED SERVICE AGENCY/REPRESENTATIVE</i>							
801	PISR: Not received, not submitted within time frame, incomplete	3-3454(H)	602(A)(2)			N/A	
802	Device not compliant after RSR repair	3-3413	602(B)			N/A	
803	RSA/RSR not licensed	3-3454(A)	601; 604(A),(B)			N/A	
804	RSR removed tag without authorization	3-3473(B)(3)	604(A)(3)			N/A	
805	RSA/RSR standards not certified	3-3416(F)	602(A)(1); 604(B)(3)			N/A	
814	Failure to report new or modified RSR equipment	3-3416(F)	602(A)(4)			N/A	
815	VR paperwork not submitted as required	3-3454(H)	602(A)(6)			N/A	
816	RSA/RSR paperwork falsified	3-3454(H)	604(B)			N/A	

TITLE 3. AGRICULTURE
CHAPTER 7. DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES SERVICES DIVISION

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R3-7-310.	Repealed
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R3-7-404.	Repealed
R3-7-405.	Repealed
R3-7-406.	Repealed
R3-7-407.	Repealed
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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 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, and Warning, Out-of-Service, and Stop-Sale, Stop-Use tags.
3. “Application” means, for purposes of R3-7-108, forms and all documents and additional information the Division requires an applicant to submit when applying for a license.
4. “ASTM” means ASTM International.
5. “Area A” has the same meaning as in A.R.S. § 49-541.
6. “Area B” has the same meaning as in A.R.S. § 49-541.
7. “Area C” has the same meaning as in A.R.S. § 3-3401.
8. “Authority to Construct” means written pre-approval by the Division to allow construction of vapor recovery systems.
9. “CARB” means the California Air Resources Board.
10. “CARB-certified” means, with respect to a vapor recovery system or component, that the system or component has been certified in a CARB Executive Order.
11. “Day” means a calendar day unless otherwise specified.
12. “EPA” means the United States Environmental Protection Agency.
13. “Field calibration standard” has the same meaning as “secondary standards” in A.R.S. § 3-3401(38), and includes all test equipment such as weights, weight sets, measures, meters, counters, or other devices that are required for use by registered service agencies and representatives to certify the accuracy of commercial devices, and are required to be approved annually by the state metrology laboratory under A.R.S. § 3-3416.
14. “Gasoline vapors” means volatile organic compounds in a gaseous state.
15. “Handbook 44” means the United States Department of Commerce, Office of Weights and Measures, NIST Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2022 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.

16. "Handbook 130" means the United States Department of Commerce, Office of Weights and Measures, NIST Handbook 130, *Uniform Laws and Regulations*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2022 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
17. "Handbook 133" means the United States Department of Commerce, Office of Weights and Measures, NIST Handbook 133, *Checking The Net Contents of Packaged Goods*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2020 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
18. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during one calendar month.
19. "NCWM" means the National Conference on Weights and Measures.
20. "Net quantity" means that quantity of packaged product remaining after all necessary deductions for tare have been made.
21. "NIST" means the National Institute of Standards and Technology.
22. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
23. "Out-of-Service tag" means a red rejection tag that prohibits the further commercial use of a device, signifying that a commercial device does not meet the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, or this Chapter.
24. "Person" has the same meaning as prescribed in A.R.S. § 3-3401, but includes an owner or operator of a commercial device or vapor recovery system, retail seller, wholesaler, registered supplier, pipeline, third-party terminal, packer, manufacturer, licensee, transporter, or consignee.
25. "Placed in service" means the certification by a registered service agency or representative that a commercial device meets the requirements of Title 3, Chapter 19, Handbook 44, and this Chapter and may be used, unless the Division orders otherwise.
26. "Placed-in-service report" means the form that a registered service representative completes and submits to the Division after newly installing a commercial device or restoring a commercial device into service.
27. "Retail" means the sale of a commodity to a consumer.
28. "Retail price inspection" means the inspection of a retail location for compliance with retail price posting or retail price verification requirements.
29. "Seal of Authority" means a physical or electronic stamp or press of the Division official mark, issued to a public weighmaster, certifying the public weighmaster's authority to issue weight certificates.
30. "Service counter" means a display staffed by a sales associate and requires a customer to receive assistance in order to purchase a product.
31. "Stage I vapor recovery system" has the same meaning as in A.R.S. § 3-3511.
32. "Stage II vapor recovery system" means a system where at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.
33. "Stop-Sale, Stop-Use tag" means a blue tag or blue tape that signifies that a commercial device, including a vapor recovery system or vapor recovery component, or a commodity or liquid fuel, does not meet the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, Handbook 130, Handbook 133, CARB Executive Orders, or this Chapter.
34. "Underground storage tank" means a tank as described in A.R.S. § 49-1001.
35. "Vapor recovery registered service representative" means an individual to whom the Division has issued a license authorizing the individual to conduct all vapor-recovery tests required under A.R.S. Title 3, Chapter 19, or this Chapter including annual vapor-recovery tests.
36. "Vapor recovery test equipment" means all test equipment such as measures, meters, counters or other devices that are required for use by registered service agencies and representatives to verify the performance of vapor recovery systems, and are certified according to CARB test procedures, manufacturer specifications or this Chapter.
37. "Warning tag" means a yellow tag that signifies a commercial device, vapor recovery system, or vapor recovery component does not comply with Title 3, Chapter 19, Handbook 44, CARB Executive Orders, or this Chapter.
38. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Division, which certifies the accuracy of the weight of the commodity measured.

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

- A. For all services of the Division's Metrology Laboratory, the Division shall charge \$110 per hour with a minimum charge of \$50.
- B. In addition to the fee in subsection (A), the Division shall charge for travel and per diem at the rates established under A.R.S. §§ 38-623(D) and 38-624(C) for tests or calibrations conducted outside the Metrology Laboratory.

R3-7-103. Licensing and Fees

- A. A license is effective on the first day of the month following the date that the license application is determined by the Division to be complete and accurate.
- B. A payment is delinquent if not received or postmarked on or before the due date. The Division shall not process a license or renewal application for which payment is delinquent.
- C. If the Division receives payment for a license that excludes the payment of applicable fees or past due civil penalties, the Division shall apply the license fee payment to the licensee's account and issue a separate invoice for the additional monies owed to the Division. The license will not be issued by the Division until all fees due are paid.

R3-7-104. Administrative Enforcement Action

- A. For a violation of A.R.S. Title 3, Chapter 19, CARB Executive Orders, Handbook 44, Handbook 130, Handbook 133, or this Chapter, the Division may:
1. Issue a Warning, Out-of-Service, Stop-Sale, Stop-Use tag, or issue another administrative order under A.R.S. § 3-3415;
 2. Seize or condemn a Seal of Authority, weight, measure, or other commercial device under A.R.S. §§ 3-3414 and 3-3415;
 3. Impose a civil penalty under A.R.S. §§ 3-3473 and 3-3475;
 4. Revoke or suspend a license under A.R.S. § 3-3472;
 5. Utilize appropriate progressive enforcement action; or
 6. Implement any combination of the above.
- B. The Division may inspect or examine premises, equipment, or relevant records to determine compliance with A.R.S. Title 3, Chapter 19, CARB Executive Orders, Handbook 44, Handbook 130, Handbook 133, or this Chapter. Failure of a regulated person to comply with such inspection or examination shall be considered a violation under A.R.S. § 3-3473(A)(1).
- C. In addition to the enforcement action in subsection (A), the Division may issue an administrative order requiring a person to excavate a vapor recovery system if the person buries a vapor recovery system or component prior to a Division pre-burial inspection.

R3-7-105. Repealed

R3-7-106. Repealed

R3-7-107. Repealed

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

- A. For each type of license, renewal, or authority issued by the Division, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B. For each type of license, renewal, or authority issued by the Division, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Division receives an application.
1. If the application is not administratively complete, the Division shall send a deficiency notice to the applicant.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application.
 - b. Within the time-frame provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Division the missing information specified in the deficiency notice. The time-frame for the Division to finish the administrative completeness review is suspended from the date the Division mails or e-mails the deficiency notice to the applicant until the date the Division receives the missing information.
 - c. If the applicant does not submit the missing information within the time-frame to respond to the deficiency notice set forth in Table 1, the Division shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn. An applicant who desires to reapply shall begin the application process anew.
 2. If the application is administratively complete, the Division shall send a written notice of administrative completeness to the applicant. If the Division, within 10 days of submittal, fails to send a written notice of administrative completeness or deficiency notice outlined in subsection (B)(1), the application shall automatically be deemed administratively complete.
- C. For each type of license, renewal, or authority issued by the Division, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Division sends written notice of administrative completeness to the applicant.
1. During the substantive review time-frame, the Division may make one comprehensive written request for additional information. The applicant shall submit the additional information within the time-frame provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Division to finish the substantive review is suspended from the date the Division mails or e-mails the request until the Division receives the information.
 2. If the applicant does not submit the requested additional information within the time-frame provided in Table 1, the Division shall issue a written notice informing the applicant that the application is deemed withdrawn. An applicant who desires to reapply shall begin the application process anew.
 3. The Division shall issue a written notice of denial of license, renewal, or authority if the Division determines that the applicant does not meet all of the substantive criteria required by A.R.S. Title 3, Chapter 19, and this Chapter for a license, renewal, or authority. The notice of denial shall include:
 - a. Reasons for the denial, with citations to the statutes or rules on which the denial is based; and
 - b. The name and telephone number of a Division employee who can answer questions regarding the application process.
 4. If the applicant meets all of the substantive criteria required by A.R.S. Title 3, Chapter 19, and this Chapter for a license, renewal, or authority the Division shall issue the license, renewal, or authority to the applicant.
- D. The time-frame for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the postmark date.
- E. In computing any time-frame prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. Unless otherwise specified herein, the computation shall include intermediate Saturdays, Sundays and holidays.

R3-7-109. Administrative Hearing Procedures

A person who is adversely affected by an action made by the Division may request a hearing to dispute license denial, inspection results, a violation, or enforcement action under A.R.S. Title 41, Chapter 6, Article 10.

R3-7-110. Motion for Rehearing or Review

- A. Except as provided in subsection (I), any party in a contested case or appealable agency action before the Division who is aggrieved by a decision rendered in the case may file with the Division, not later than 10 days after service of the decision, a written motion for rehearing or review of the decision, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the particular grounds for the motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business; or by electronic mail if the party has agreed to receive electronic notifications.
- B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Division. A party shall provide a copy of any pleading on all opposing parties or parties who may be directly affected by the issues presented, and the pleading shall contain a certification of delivery to listed recipients. A response may be filed within 15 days after service of the motion or amended motion by any other party. The Division may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. A rehearing or review of the decision may only be granted for any of the following reasons materially affecting the moving party's rights:
 - 1. Any irregularity in the hearing, order, or abuse of discretion depriving the moving party of a fair hearing;
 - 2. Misconduct of the Division, the administrative law judge, or the prevailing party;
 - 3. Accident or surprise that could not have been prevented by ordinary prudence;
 - 4. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the original hearing;
 - 5. Excessive or insufficient penalties;
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
 - 7. That the decision is not justified by the evidence or is contrary to law.
- D. If a rehearing is granted, the Division may hear the case or may refer the case to the Office of Administrative Hearings. The decision of the administrative law judge becomes the decision of the Division unless rejected or modified by the Division in accordance with A.R.S. Title 41, Chapter 6, Article 10. A decision of the Division at this level of review is a final decision.
- E. Except for a decision under subsection (I), a rehearing or review of the final Division decision shall be requested in order for the aggrieved party to have the right to appeal under A.R.S. Title 12, Chapter 7, Article 6.
- F. The Division may affirm or modify its decision, or grant a rehearing or review. After giving the parties or their counsel notice and an opportunity to be heard, the Division may grant a rehearing or review for a reason not stated in a party's motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted. The rehearing or review shall cover only those matters so specified.
- G. The Division, on its own initiative, within the time-frame for filing a motion for rehearing or review under this rule, may order a rehearing or review for any of the reasons set forth in subsection (C), after giving the parties notice and an opportunity to be heard.
- H. When a motion for rehearing or review is based upon affidavits, the moving party shall serve the affidavits with the motion. An opposing party has 15 days from the date of service to serve opposing affidavits. The Division may extend the period to respond up to 20 days for good cause, or by written stipulation of the parties. If the Division permits reply affidavits, the replying party has five business days in which to serve them.
- I. If the Division makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Division may issue the decision as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Division's final decision.

- R3-7-111. Repealed**
- R3-7-112. Repealed**
- R3-7-113. Repealed**
- R3-7-114. Repealed**
- R3-7-115. Repealed**
- R3-7-116. Repealed**
- R3-7-117. Repealed**

Table 1. Time-frames

Type of License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Review	Response to Request for Additional Information	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	R3-7-1004	14	28	30	30	44

ARTICLE 2. COMMERCIAL DEVICES

R3-7-201. Licensing Process

- A. Before using a commercial device, a person or a contracted registered service representative shall apply for a commercial device license. The commercial device may be used without a license for up to 30 days after an application is filed with the Division. The application shall be on a form supplied by the Division that includes:
1. The applicant's name, address, and telephone number;
 2. The name, address, and telephone number of the location where the commercial device will be operated;
 3. A description of the commercial device;
 4. The applicant's signature; and
 5. The e-mail address of the commercial device owner or operator for the Division to provide licenses, invoices, inspections and reports, enforcement action, and other notifications.
- B. A licensee shall notify the Division of a change in business name or address within 30 days of the change. The Division does not charge a fee to process a change in business name or address.
- C. Change of business ownership requires an application to transfer a license.

R3-7-202. Repealed

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

- A. A commercial device installed or placed in use after January 1, 1975, shall have an NCWM National Type Evaluation Program ("NTEP") Certificate of Conformance or have a California Type Evaluation Program ("CTEP") Certificate of Approval.
1. If a commercial device has been continuously licensed, or evidence shows it has been in use by the owner in Arizona since January 1, 1975, the commercial device is exempt from NTEP or CTEP approval requirements.
 2. If a commercial device exempt under subsection (A)(1) fails the specifications, tolerances, or other technical requirements of Handbook 44 during a Division inspection, the Division shall issue a Stop-Sale, Stop-Use tag or seize the device per R3-7-104(A) and revoke the commercial device license under A.R.S. § 3-3472. A person shall no longer use the device commercially.
- B. A person shall not use a commercial device that has an Out-of-Service or Stop-Sale, Stop-Use tag until the person repairs the commercial device as ordered by the Division, the commercial device meets the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, and this Chapter, and approval is obtained from the Division to resume use of the device. If a person sells a commercial device that has an Out-of-Service or Stop-Sale, Stop-Use tag, the seller shall not remove the tag and must disclose to the buyer that the commercial device is not in compliance.

R3-7-204. Repealed

ARTICLE 3. PACKAGING, LABELING, AND METHOD OF SALE

R3-7-301. Repealed

R3-7-302. Packaging, Labeling, and Method of Sale

- A. A person shall comply with all packaging, labeling, and method of sale requirements in Handbook 130, except as otherwise stated in this Chapter. A person shall ensure that packaged commodities kept, offered, exposed for sale, sold, or in the process of delivery are weighed, measured, and inspected using sampling and testing procedures designated in Handbook 133, except as otherwise stated in this Chapter.
- B. A retail seller shall ensure that a package that is offered for sale in a random weight, measurement, or count, and that is weighed, measured, or counted at the time of sale, includes a label on the package identifying the net weight, measurement, or count, item description, and packer's name if the packer is not the retailer. Pre-packaged produce does not require a label on each package if the retailer:
1. Clearly labels the price-per-pound where the packaged produce is displayed, and
 2. Deducts a tare for the packaging from the gross weight at the time of sale.

- C. If the Division issues an administrative order to a person at location where a package inspection is held, for a package that is not in compliance with a requirement in Handbook 130 or Handbook 133, the person to whom the administrative order is issued shall correct the package violation by:
1. Removing the package from sale;
 2. Labeling the package to reflect its correct net quantity;
 3. Placing a notice on the package that corrects the package violation, and pricing the package to reflect its correct net quantity; or
 4. Repackaging the commodity so the package contains the net quantity represented.

R3-7-303. Repealed
R3-7-304. Repealed
R3-7-305. Repealed
R3-7-306. Repealed
R3-7-307. Repealed
R3-7-308. Repealed
R3-7-309. Repealed
R3-7-310. Repealed
R3-7-311. Repealed
R3-7-312. Repealed
R3-7-313. Repealed

ARTICLE 4. RETAIL PRICING

R3-7-401. Repealed

R3-7-402. Retail Price Requirements; Initial Inspections; Violations and Exceptions

- A. Retail price requirements. In addition to the requirements in A.R.S. § 3-3431, a person who offers, exposes, or advertises a commodity for sale or rent shall:
1. Price a commodity at the date and time that it is ordered by a customer;
 2. Post a definite, plain, and conspicuous price on the commodity or adjacent to where the commodity is displayed;
 3. If the price of the commodity is by weight, measure, or count, place the price per weight, measure, or count on the commodity or adjacent to where the commodity is displayed;
 4. If a price is reduced by a percentage or a fixed amount from a previously offered price, place the reduction or reduced price on the commodity or adjacent to where the commodity is displayed;
 5. Label each commodity offered for sale within a plant nursery with its identity and price, or post a sign with this information adjacent to the point of display; and
 6. Ensure that the price of each item purchased is displayed visibly to the public at each check-out location.
- B. Initial retail price inspections. The initial retail price inspection of a location is for educational purposes and administrative enforcement action will not be imposed for a violation identified during an initial inspection. An initial inspection is the first retail price inspection conducted at a location when no prior retail price inspections have occurred at that location under the current ownership.
- C. Price verification.
1. Violations. Items sampled for price verification that scan at a price higher than the marked or posted price are considered overcharges. An inspected location shall be found in violation if more than one overcharge is recorded in a price verification sample.
 2. Violation exceptions. Items sampled for price verification that scan at a price lower than the marked or posted price are considered undercharges, and are not a violation.
- D. Price posting.
1. Violations. The following are price posting violations:
 - a. No price is posted or displayed for an inspected item;
 - b. Less than 98% of the items sampled for price posting during a retail price inspection have a marked or posted price; or
 - c. A percentage or quantity discount is provided, but there is no price displayed for the item on which the consumer may calculate or compare the discounted price to the regular price.
 2. Violation exceptions. The following are not price posting violations:
 - a. A price is posted or displayed as allowed in A.R.S. § 3-3431(L) and (N);
 - b. A price is posted on the shelf or on a hook in front of or behind a row of items at the farthest left side of all items with the same price for up to 3 feet of shelf space, or at the farthest left and farthest right side of the shelf or hooks displaying items of the same price. For items of the same price, the Universal Product Code ("UPC") may differ for the commodities with prices labeled in this manner, as long as the price posted is a generic price and does not refer to a specific product;
 - c. A price is posted in a location clearly visible to the consumer on a vertical display containing items of the same price;
 - d. A price is posted on the inside or outside of the door of a self-contained refrigerated cooler on or in front of the shelving units in a location clearly visible to the consumer;
 - e. Items contained in a clearly marked storage or restocking area where a customer must ask for employee assistance to obtain an item;
 - f. A price is posted on a hook in front of or behind a row of items but the price is clearly visible or a notice is clearly visible stating that the price is posted behind the row of items;

- g. An item is located in an advertising display without a posted price but a notice is posted informing a customer to ask an employee for price information regarding an item contained in the display;
- h. A menu-type sign at a point of display that lists the name and price of every item at the point of display in legible text. A menu-type sign may also be used to display single-item purchase prices in areas where space is limited, or used to display a price for purchase of multiple items and single-item purchase prices at the point of display as long as it is posted at, above, or adjacent to the point of display;
- i. A point of display contains more than one item posted with the manufacturer's name or logo and the price and name of each item contained within the point of display is posted at, above, or adjacent to the point of display;
- j. A price is posted only at each entrance to a store and the posted price is the price of each item displayed for sale within the store, or a price is posted at each entrance to a department within a store and the posted price is the price of each item displayed for sale within the department;
- k. A notice states that there is an additional charge based on an item's size and the additional charge for each size is posted at, above, or adjacent to the point of display; and
- l. An item that does not have a price displayed but is located in or behind a service counter and available only with the assistance of a sales associate as allowed in A.R.S. § 3-3431(M). If a price is displayed, it must meet the requirements of this Chapter.

R3-7-403. Repealed
R3-7-404. Repealed
R3-7-405. Repealed
R3-7-406. Repealed
R3-7-407. Repealed
R3-7-408. Repealed
R3-7-409. Repealed
R3-7-410. Repealed
R3-7-411. Repealed
R3-7-412. Repealed

ARTICLE 5. PUBLIC WEIGHMASTERS

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

- A.** In addition to the requirements of A.R.S. § 3-3453, to be a public weighmaster or a deputy public weighmaster, a person shall:
 - 1. Be at least 18 years old, and
 - 2. Be able to execute weight certificates properly.
- B.** A person shall not perform the duties of a public weighmaster until the person passes the written public weighmaster examination administered by the Division with a minimum score of 75%. A person may not take the examination more than three times in six months and must wait seven days before retaking the exam.
- C.** A person that meets the qualifications for public weighmaster or deputy public weighmaster may apply for a license on a form supplied by the Division. A separate application shall be submitted for each location where the public weighmaster or deputy public weighmaster will issue weight certificates.
 - 1. The application form includes:
 - a. The applicant's name, address, telephone number, and e-mail address;
 - b. A statement by the applicant that the applicant knows and understands public weighmaster laws and rules;
 - c. The name, address, and telephone number of each of the applicant's public weighmaster locations; and
 - d. The applicant's signature.
 - 2. The public weighmaster's application form also includes:
 - a. The name of each deputy public weighmaster operating at each location;
 - b. A statement that the public weighmaster understands they are responsible to ensure that any deputy public weighmasters working at the location are adequately trained and licensed;
 - c. The name and address of the scale; and
 - d. The scale description.
 - 3. The deputy public weighmaster application shall be on a form provided by the Division, and include a certification that the applicant understands the requirements in this Article. The deputy public weighmaster application shall be signed by both the public weighmaster and the applicant.
 - 4. An applicant may be required to submit evidence of qualifications.
 - 5. The public weighmaster shall ensure all deputy public weighmasters are licensed for the location prior to their issuance of weight certificates.
 - 6. An applicant shall submit information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- D.** Before the Division issues or renews a public weighmaster or deputy public weighmaster license, the applicant shall pay the required fees and provide information required in A.R.S. Title 3, Chapter 19, and this Chapter.
- E.** A public weighmaster licensee shall notify the Division of a change in business name or address within 30 days of the change. The Division does not charge a fee to process a change in name or address.

- F. Change of business ownership requires an application to transfer a license.
- G. In the event a public weighmaster leaves employment, a licensed deputy public weighmaster may utilize a public weighmaster stamp that contains only the location identity as issued under R3-7-506(B) for 30 days at a location while a public weighmaster license application is underway. A public weighmaster stamp containing the public weighmaster's name may not continue to be used following a public weighmaster's departure.

R3-7-502. Duties

A public weighmaster shall:

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

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

- A. The Division may deny a public or deputy public weighmaster license for any of the following reasons:
 1. Providing false or misleading information;
 2. Failing to meet the requirements stated in this Article; or
 3. Any of the reasons stated in subsections (B)(1) through (8).
- B. The Division may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Division has determined that the public weighmaster:
 1. Does not have the ability to conduct an accurate weighing for producing weight certificates;
 2. Has produced an incorrect, inaccurate, or falsified weight certificate;
 3. Has been found to violate any provision of A.R.S. Title 3, Chapter 19, or this Chapter;
 4. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
 5. Has improperly used a public weighmaster's Seal of Authority;
 6. Has pre-signed certificates for later use;
 7. Has issued a weight certificate on which changes or alterations were made; or
 8. Has used a scale for public weighing that is not properly licensed.

R3-7-504. Scales and Vehicle Weighing

- A. When making a weight determination, a public weighmaster shall use a scale that is suitable for the function.
- B. The public weighmaster shall not use a scale to weigh a load that exceeds the normal or rated capacity of the scale.
- C. The owner or user of a scale is responsible for the accuracy of the scale used by a public weighmaster. The owner or user shall comply with Handbook 44.
- D. If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.
- E. The Division shall separately license and regulate each scale location.
- F. A public weighmaster or deputy public weighmaster shall weigh any vehicle or combination of vehicles on a scale having a platform that fully accommodates the vehicle or combination of vehicles as one unit.
- G. If a combination of vehicles is divided into separate units to be weighed, each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

R3-7-505. Weight Certificates

- A. In issuing a weight certificate, a public weighmaster shall enter only weight information or other required information that the public weighmaster or deputy public weighmaster has accurately and personally determined.
- B. A public weighmaster or deputy public weighmaster shall not make any entries on a weight certificate issued by another person.
- C. By signing a weight certificate, a public weighmaster or deputy public weighmaster shall be responsible for the accuracy of all entries on the weight certificate.
- D. A weight certificate is valid only when marked with the Seal of Authority and signed by the issuing public weighmaster or deputy public weighmaster.
- E. A Seal of Authority may be printed electronically on a weight certificate if it is identical in appearance to the Seal of Authority issued by the Division.
- F. A public weighmaster or deputy public weighmaster's signature may be printed electronically on the weight certificate in lieu of a handwritten signature if the electronic signature is that of the public weighmaster or deputy public weighmaster who weighed the commodity. To issue a weight certificate with an electronic Seal of Authority and signature, the public weighmaster or deputy public weighmaster shall have an individual login associated with the electronic Seal of Authority and signature or other security measures in place to prevent unauthorized persons from use.
- G. If an error is made on a weight certificate, the public weighmaster or deputy public weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a weight certificate.
- H. A weight certificate shall state:
 1. The date of issuance;
 2. The name of the declared owner, agent, or consignee of the material weighed;

3. The accurate weight of the material weighed or counted;
 4. The means by which the material is being transported at the time it is weighed or counted;
 5. The license plate number of the transporting unit;
 6. The printed name, signature, and license number of the public weighmaster or deputy public weighmaster issuing the weight certificate; and
 7. The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE. This is to certify that the described merchandise was weighed, counted, or measured by a public or deputy public weighmaster, and when properly signed and sealed, is prima facie evidence of the accuracy of the weight, count, or measure shown as prescribed by law."
- I. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of one year. A public weighmaster shall also ensure that weight certificates are consecutively numbered and filed numerically, including voided weight certificates. A public weighmaster shall not use another filing system without Division approval.
 - J. A public weighmaster is liable for any forged physical, printed, or electronic signatures.

R3-7-506. Seal of Authority

- A. A public weighmaster shall obtain a Seal of Authority for the certification of weight certificates at cost through the Division.
- B. The Division shall assign a number to a Seal of Authority that identifies the specific location for which the Seal of Authority is issued.
- C. A Seal of Authority is the property of the state. A public weighmaster shall surrender their assigned Seal of Authority to the Division within 30 days after the public weighmaster no longer operates as a licensed public weighmaster if the Seal of Authority contains the public weighmaster's name. If the Seal of Authority was issued under R3-7-506(B) and only contains the location identification number, it may be retained for use by the next licensed public weighmaster at the location if it is still legible. Illegible seals or seals used in violation of an administrative order shall be seized by the Division.
- D. A public weighmaster shall have one Seal of Authority for use at each scale location.
- E. A Seal of Authority shall be accessible to the public weighmaster and authorized deputy public weighmasters during all business hours at the scale location for the timely and proper certification of weight certificates.
- F. A public weighmaster shall keep a Seal of Authority at each scale location and make it available for inspection by the Division during all business hours.
- G. A public weighmaster may recreate the Seal of Authority assigned by the Division in an electronic format for use as provided under R3-7-505(E) and (F). The Division shall provide a template of the Seal of Authority.

R3-7-507. Prohibited Acts

- A. A person shall not:
 1. Issue a certified weight certificate without being a licensed public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster;
 2. Procure, print, or cause to be printed any public weighmaster weight certificate without being a licensed public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster;
 3. Possess unfilled or unused weight certificates without being a licensed public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster;
 4. Furnish or give false information to a public weighmaster or deputy public weighmaster for use in the completion of a weight certificate;
 5. Present a weight certificate for payment falsified by the insertion of any weight, measure, or count not determined by the issuing public weighmaster;
 6. Use without authorization the title "licensed public weighmaster" or any similar title; represent oneself to be a public weighmaster without holding a license issued by the Division; or engage in public weighing without holding a valid license as a public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster; or
 7. Use an unlicensed scale in the performance of public weighmaster duties.
- B. Nothing in subsection (A) shall be construed to prevent administrative staff of the public weighmaster or deputy public weighmaster from performing administrative duties such as filing weight certificates.
- C. People engaged in the business of printing weight certificate forms, their representatives, and the Division are exempt from the prohibitions specified in subsections (A)(2) and (3).

ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES

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

- A. Registered service agency.
 1. To obtain a license as a registered service agency, an applicant shall provide evidence that:
 - a. The applicant's registered service representative has a thorough knowledge of all appropriate laws within A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter;
 - b. The applicant provided its representative with a copy of the portions of A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter relating to registered service representative duties;
 - c. The applicant:
 - i. Possesses the necessary certified field calibration standards that meet the requirements of A.R.S. § 3-3416 for installing, repairing, or servicing commercial devices; and

- ii. Possesses the necessary vapor recovery test equipment calibrated in the time-frame required by the equipment manufacturer or CARB Executive Orders to perform the required testing of a vapor recovery system or vapor recovery component; or
 - iii. Has pre-filed with the Division documentation that the applicant has:
 - (a) Access to the necessary field calibration standards and vapor recovery test equipment belonging to another registered service agency;
 - (b) Written approval from that registered service agency to use its field calibration standards and vapor recovery test equipment;
 - (c) Documentation supporting that the field calibration standards meet the requirements of A.R.S. § 3-3416(F); and
 - (d) Documentation supporting that the vapor recovery test equipment meets the calibration requirements established by the CARB test procedure or this Chapter.
 - d. The applicant shall ensure that its registered service representative operates field calibration standards and vapor recovery test equipment according to A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter.
- 2. The Division shall not issue a registered service agency license until at least one of the applicant's employees passes a registered service representative competency exam.
- 3. An applicant for a registered service agency license shall submit an application form, obtained from the Division that provides:
 - a. Name, address, telephone number, and e-mail address;
 - b. License information from other states;
 - c. Types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
 - d. A list of all of the applicant's field calibration standards and vapor recovery test equipment with corresponding serial or identification numbers;
 - e. Branch office information;
 - f. Names of registered service representatives and their experience with other registered service agencies or states;
 - g. License and disciplinary history; and
 - h. Applicant's signature.
- B. Registered service representative.**
 - 1. To obtain a license as a registered service representative, an applicant shall provide evidence that:
 - a. The applicant has a thorough knowledge of all appropriate laws within A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, and this Chapter;
 - b. The applicant possesses the necessary training or experience regarding appropriate field calibration standards and vapor recovery test equipment to service the specific commercial device, vapor recovery system, or vapor recovery system component indicated on the application; and
 - c. The applicant has passed the competency examination specified in subsection (C).
 - 2. An applicant for a registered service representative license shall submit an application on a form obtained from the Division that provides:
 - a. Name, address, telephone number, and e-mail address;
 - b. License information from other states;
 - c. An indication of whether the applicant is applying to be a registered service representative or a vapor recovery registered service representative;
 - d. A summary of the types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
 - e. Work experience with other registered service agencies in Arizona or other states;
 - f. License and disciplinary history; and
 - g. Applicant's signature.
 - 3. An applicant for a vapor recovery registered service representative license shall maintain and make available to the Division upon request evidence of being certified by the manufacturer to test or repair all vapor recovery systems and components.
 - 4. An applicant shall submit information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- C. Competency examination.** Before an applicant is issued a registered service representative license, the applicant shall pass a Division-administered competency examination.
 - 1. An applicant for a vapor recovery registered service representative license shall complete the Division's training class before taking the competency examination. The Division may waive the training class requirement for up to 12 months for new applicants.
 - 2. An applicant shall bring a copy of Handbook 44 to the examination site. An applicant for a vapor recovery registered service representative license shall additionally bring copies of CARB test procedures, Executive Orders, and Division Standard Operating Procedures.
 - 3. An applicant shall complete the competency examination within the time specified by the Division and pass with a score of 75% or greater.
 - 4. The Division shall not allow an applicant to take the competency examination more than three times in six months and the applicant must wait seven days prior to retaking the exam.
 - 5. The associate director may contract with a third-party testing company to administer competency examinations to provide added convenience to registered service representative applicants. Taking exams through a third party is optional and the registered service representative shall be responsible for payment of any additional costs related to third-party testing.

- D. As required under A.R.S. § 3-3454(G), the Division shall specify on a registered service representative license the type of service that the registered service representative is approved to perform.
- E. Renewal of a registered service representative license. Under A.R.S. § 3-3454(D), a registered service representative license is valid for 12 months and expires unless renewed. To renew a registered service representative license, the registered service agency employing the registered service representative shall submit the renewal fee for the agency license and the agency's registered service representative licenses by the first day of the month that each license expires. Before submitting the renewal fee, the registered service agency shall ensure that once every 36 months a vapor registered service representative completes the Division's training class and takes and passes the Division's written vapor recovery competency examination.
- F. A registered service agency licensee shall notify the Division of a change in business name or address within 30 days of the change. The Division does not charge a fee to process a change in business name or address.
- G. Change of business ownership requires application for a new license. Existing registered service representatives may move their license to a new registered service agency without being subject to the requirements in Subsection (C).

R3-7-602. Duties

A. Registered service agency.

- 1. A registered service agency shall:
 - a. Maintain all field calibration standards used for commercial device certification according to standards traceable to NIST;
 - b. Use the appropriate type and quantity of field calibration standards when testing, repairing, or certifying a commercial device according to A.R.S. Title 3, Chapter 19, Handbook 44, and this Chapter; and
 - c. Maintain and use vapor recovery test equipment according to this Chapter, CARB test procedures, and manufacturer specifications.
- 2. When a registered service agency restores or newly places a commercial device into service, or restores a commercial device into service as the result of an Out-of-Service or Stop-Sale, Stop-Use tag, or an administrative order, the registered service agency shall complete a placed-in-service report form prescribed by the Division.
 - a. Within seven days after the commercial device is newly placed into service or restored into service, the registered service agency shall complete an online placed-in-service report to the Division. If an online placed-in-service report is not available for the device, a paper report shall be submitted;
 - b. The registered service agency shall provide a copy of the placed-in-service report to the person who owns or operates the commercial device;
 - c. The registered service agency shall retain a copy of the placed-in-service report for one year;
 - d. The registered service agency shall ensure that the placed-in-service report contains the assigned license number of the registered service representative who installs or restores the commercial device and completes the report;
 - e. The registered service agency shall ensure that the placed-in-service report is completed and signed by the registered service representative noting each commercial device newly installed or restored into service; and
 - f. The registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each field calibration standard used by the registered service representative to calibrate each commercial device newly installed or restored to service.
- 3. A registered service agency shall have all field calibration standards certified annually as required under A.R.S. § 3-3416. Vapor recovery test equipment shall be certified as required by the CARB test procedure or this Chapter.
- 4. A registered service agency shall not use a new field calibration standard until it is certified as required under A.R.S. § 3-3416.
- 5. A registered service agency shall ensure that its employee does not perform registered service representative duties until the Division licenses the employee as a registered service representative. A registered service agency may train an employee in registered service representative duties only if the employee is within the direct line of sight and hearing of a supervising licensed registered service representative.
- 6. A registered service agency shall use a form approved by the Division to record vapor recovery test results and violations. The test results shall be e-mailed to the Division within seven days after completion of the test.
- 7. A registered service agency shall retain a copy of a required vapor recovery test report for a period of one year.
- 8. A registered service agency shall ensure that its registered service representative provides a vapor recovery system owner or operator with written test preparation instructions, at least five business days before an initial or annual test.

B. Registered service representative.

- 1. A registered service representative shall:
 - a. Perform only the type of service that they are approved by the Division to perform;
 - b. Install only commercial devices that meet the requirements of this Chapter;
 - c. Perform all vapor recovery tests according to this Chapter;
 - d. Perform all appropriate tests before a commercial device is placed in service, including when a commercial device is newly installed or restored to service, to ensure that the requirements of A.R.S. Title 3, Chapter 19, this Chapter, Handbook 44 are met;
 - e. Perform all appropriate tests when installing, repairing, or replacing a vapor recovery system or component to ensure that the requirements of A.R.S. Title 3, Chapter 19, this chapter, and CARB Executive Orders are met;
 - f. Report to the user equipment or commercial devices that do not conform to NIST standards;
 - g. Complete placed-in-service reports accurately;

- h. Obtain and keep current, during the term of the registered service representative license, all required federal, state, and local licenses and ensure compliance with all federal, state, and local laws, rules, regulations, and policies governing the occupation of a registered service representative.
2. A registered service representative shall report to the Division within one hour by e-mail or telephone of finding a device that is not certified as part of the NTEP Certificate of Conformance under R3-7-203(A) and is installed to fraudulently obtain motor fuel or consumer payment card information, and the registered service representative shall contact the local law enforcement agency for collection of the device as evidence.
3. If a vapor recovery registered service representative cannot correct a violation and has to leave the vapor recovery site, the registered service representative shall secure the non-compliant vapor recovery system or component from commercial use. The non-compliant system or component shall not be used for commercial purposes until it is repaired and passes the test required by R3-7-1010. The registered service representative shall notify the Division of the secured, non-compliant vapor recovery system or component prior to leaving the site. The registered service representative shall notify the Division regarding retest of the site by 6:00 a.m. of the day after the non-compliant vapor recovery system or component is secured or one hour before the test, whichever is sooner, so that the Division may witness the test.

R3-7-603. Grounds for Denying License or Renewal; Suspension, Revocation, or Other Disciplinary Action

The Division may deny a license or renewal, suspend or revoke a license, or impose other discipline, for any of the following reasons:

1. Providing false or misleading information;
2. Failure to meet annual certification requirements for field calibration standards or vapor recovery test equipment;
3. Failure to pay required fees;
4. Violating any requirements stated in A.R.S. Title 3, Chapter 19, or this Chapter.; or
5. If an applicant, registered service agency, or registered service representative is not qualified to perform the duties of a registered service representative or registered service agency.

R3-7-604. Prohibited Acts

- A. A person shall not:
 1. Perform any duty or do any act required to be done by a registered service agency or registered service representative without holding a registered service agency or registered service representative license issued by the Division;
 2. Use the title of registered service agency or registered service representative, any similar title, or hold oneself out as a registered service agency or representative without a valid license; or
 3. Remove an official Out-of-Service or Stop-Sale, Stop-Use tag except as authorized in this Chapter, or by the Division.
- B. A registered service agency or registered service representative shall not:
 1. Fraudulently complete or file an incomplete placed-in-service report;
 2. Delegate licensed authority or responsibility to an unlicensed person;
 3. Perform a function without certified field calibration standards or vapor recovery test equipment;
 4. Newly install or restore a commercial device into service before satisfying all requirements of A.R.S. Title 3, Chapter 19, or this Chapter;
 5. Fail to report a commercial device to the Division that is found to be out of compliance under R3-7-602;
 6. Calibrate a commercial device without placing a decal or label on the device as prescribed by the associate director;
 7. Leave a location where there is a non-compliant commercial device without securing the commercial device from commercial use; or
 8. Leave a vapor recovery site where there is a non-compliant system or component without securing the system or component from use.

R3-7-605. Repealed

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:

1. “Address” means a street number, street name, city, state, and zip code.
2. “Arizona CBG” means Arizona cleaner burning gasoline, and is a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered area, except as provided under A.R.S. §§ 3-3493(I) and 3-3494(H).
3. “AZRBOB” means “Arizona Reformulated Blendstock for Oxygenate Blending” and is a combination of gasoline blendstocks that is intended to be or represented to constitute Arizona CBG upon the addition of a specified amount (or range of amounts) of an oxygenate not prohibited by A.R.S. § 3-3491(E) after the blendstock is supplied from the facility at which it was produced or imported.
4. “Batch” means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel properties specific for the motor fuel standards applicable to that motor fuel or AZRBOB.
5. “Biodiesel” has the same meaning as prescribed under A.R.S. § 3-3401.

6. "Biodiesel blend" has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5% or less biodiesel and is not considered to be a biodiesel blend.
7. "Biofuel" has the same meaning as prescribed under A.R.S. § 3-3401.
8. "Biofuel blend" has the same meaning as prescribed under A.R.S. § 3-3401.
9. "Biofuel blender" means a person that modifies a motor fuel by adding a biofuel.
10. "Biofuel producer" means a person that owns, leases, operates, controls, or supervises a facility at which biofuel is produced.
11. "Biofuel Supplier" means a marketer or jobber of a biofuel or biofuel blend.
12. "Biomass" has the same meaning as prescribed under A.R.S. § 3-3401.
13. "Biomass-based diesel" has the same meaning as prescribed under A.R.S. § 3-3401.
14. "Biomass-based diesel blend" has the same meaning as prescribed under A.R.S. § 3-3401.
15. "Blendstock" means any liquid compound that is blended with another liquid compound to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive registered under 40 CFR 79 is not a blendstock.
16. "CARBOB Model" means the requirements and procedures incorporated by reference in R3-7-702(12) and (13).
17. "CBG Blender" means a person that owns, leases, operates, controls, or supervises any facility, other than a refinery or transmix processing facility, where AZRBOB or Arizona CBG is produced by combining blendstocks or by combining blendstocks with fuel. Types of blending facilities include, but are not limited to, terminals, storage tanks, plants, tanker trucks, retail outlets, and marine vessels.
18. "CBG-covered area" means:
 - a. A county with a population of 1,200,000 or more persons according to the most recent United States decennial census;
 - b. Any portion of a county within area A; and
 - c. Any portion of a county within area C from June 1 through September 30 of each year.
19. "Conventional gasoline" means gasoline that conforms to the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.
20. "Diesel fuel" or "Diesel" has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5% or less biodiesel.
21. "Duplicate" means a portion of a sample that is treated the same as the original sample to determine the accuracy and precision of an analytical method.
22. "E15" means gasoline that contains more than 10 and no more than 15 volume percent ethanol.
23. "EPA waiver" means a waiver granted by EPA as described in "Waiver Requests under Section 211(f) of the Clean Air Act," which is incorporated by reference in R3-7-702(6).
24. "Ethanol" means an alcohol of the chemical formula C_2H_5OH . Ethanol is provided in gasoline-ethanol blends by blending denatured fuel ethanol.
25. "Ethanol flex fuel" has the same meaning as prescribed under A.R.S. § 3-3401.
26. "Final destination" means the name and address of the location to which a transferee will deliver motor fuel for further distribution or final consumption.
27. "Final distribution facility" means a stationary motor-fuel transfer point at which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to a motor-fuel dispensing site.
28. "Fleet" means at least 25 motor vehicles owned or leased by the same person.
29. "Fleet vehicle fueling facility" means a facility or location where a motor fuel is dispensed for final use by a fleet.
30. "Fuel ethanol" means denatured ethanol that meets the requirements in ASTM D4806, which is incorporated by reference in R3-7-702(4).
31. "Fuel property" means any characteristic listed in R3-7-751(A)(1) through (8), R3-7-751(B)(1) through (7), R3-7-751(D), or any other motor fuel standard referenced in this Article.
32. "Gasoline" has the same meaning as prescribed under A.R.S. § 3-3401.
33. "Isobutanol" means butanol isomer 2-methyl-1-propanol that meets the requirements in ASTM D7862, which is incorporated by reference in R3-7-702(9).
34. "Jobber" means a person that distributes a motor fuel from a bulk storage plant or terminal to the owner or operator of an underground or above-ground storage tank.
35. "Marketer" means a person engaged in selling or offering for sale motor fuels.
36. "Motor Fuel" has the same meaning as prescribed under A.R.S. § 3-3401.
37. "Motor fuel dispensing site" means a facility or location where a motor fuel is dispensed into commerce for final use.
38. "Motor vehicle" means a vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:
 - a. A vehicle that runs on or is guided by rails, or
 - b. A vehicle designed primarily for travel through air or water.
39. "MTBE" means methyl tertiary butyl ether.
40. "Neat" means pure or 100%.
41. "NOx" means oxides of nitrogen.
42. "Octane" or "octane rating" means the anti-knock characteristic of gasoline as determined by the resulting arithmetic test average of ASTM D2699 and ASTM D2700.
43. "Oxygenate" has the same meaning as prescribed under A.R.S. § 3-3401.

44. "Oxygenate blender" means a person that owns, leases, operates, controls, or supervises an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate-blending facility.
45. "Oxygen content" means the percentage by weight of oxygen contained in a gasoline oxygenate blend as determined under ASTM D4815.
46. "Pipeline" means a transporter that owns or operates an interstate common-carrier pipe or is subject to Federal Energy Regulatory Commission tariffs to transport motor fuels into Arizona.
47. "PM" means predictive model.
48. "Predictive Model Procedures" means CARB's "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995.
49. "Premium diesel" means a diesel fuel meeting the requirements in ASTM D975 and in Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulations, Section 2.2.1(a) through 2.2.1(f).
50. "Producer" means a refiner, CBG blender, or other person that produces a motor fuel, including Arizona CBG or AZRBOB.
51. "Production facility" means a facility at which a motor fuel, including Arizona CBG or AZRBOB, is produced. Upon request of a producer, the associate director may designate, as part of the producer's production facility, a physically separate bulk storage facility that:
 - a. Is owned or leased by the producer;
 - b. Is operated by or at the direction of the producer; and
 - c. Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the production facility.
52. "Product transfer document" has the same meaning as prescribed under A.R.S. § 3-3401.
53. "Refiner" means a person that owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.
54. "Refinery" means a facility that produces a liquid fuel, including Arizona CBG or AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel offered for sale or sold into commerce as a finished motor fuel.
55. "Reproducibility" means the testing method margin of error as provided in the ASTM specification or other testing method required under this Article.
56. "Supply" means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.
57. "Terminal" means an owner or operator of a motor fuel storage tank facility that accepts custody, but not necessarily ownership, of a motor fuel from a registered supplier, oxygenate blender, pipeline, or other terminal and relinquishes custody of the motor fuel to a transporter or another terminal.
58. "Test result" means any document that contains a result of testing including all original test measures, all subsequent test measures that are not identical to the original test measure, and all worksheets on which calculations are performed.
59. "Transferee" means a person that receives title to or custody of a motor fuel.
60. "Transferor" means a person that relinquishes title to or custody of a motor fuel to a transporter, marketer, jobber, or motor fuel dispensing site.
61. "Transmix" means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.
62. "Transmix facility" means a facility at which transmix is processed into its components and then the components either are combined with a finished product or further processed to produce a finished motor fuel.
63. "Transporter" means a person that causes motor fuels, including Arizona CBG or AZRBOB, to be transported into or within Arizona.
64. "Vapor pressure" means dry vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D5191.
65. "VOC" means volatile organic compound.

R3-7-702. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Division. The documents incorporated by reference contain no future editions or amendments.

1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, December 8, 2021 Edition, Government Publishing Office, 732 North Capitol Street, NW, Washington, D.C. 20401-0001 or bookstore.gpo.gov (herein referred to as "16 CFR 306").
2. API Recommended Practice 1637 (API RP 1637), "Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals," 4th edition published April 2020, American Petroleum Institute (API), 200 Massachusetts Avenue NW Suite 1100, Washington, DC, 20001-5571 (herein referred to as "API 1637").
3. ASTM Standard D975-21, "Standard Specification for Diesel Fuel," published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as "ASTM D975").
4. ASTM Standard D4806-21a, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as "ASTM D4806").
5. ASTM Standard D4814-21c, "Standard Specification for Automotive Spark-Ignition Engine Fuel," published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as "ASTM D4814").

6. Waiver Requests under Section 211(f) of the Clean Air Act, (Document EPA-420-B-19-054, October 2019 edition), United States Environmental Protection Agency, Transportation and Regional Programs Division, Fuels Program Support Group, Mail Code 6406-J, Washington, D.C. 20460 (herein referred to as “Section 211(f) of the Clean Air Act”).
7. ASTM Standard D5798-21, “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines,” published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D5798”).
8. ASTM Standard D6751-20a, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels,” published 2020, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D6751”).
9. ASTM Standard D7862-21, “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel,” published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D7862”).
10. California Air Resources Board, “California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model,” adopted April 20, 1995. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov (herein referred to as “PM” or “Predictive Model Procedures”).
11. The Federal Complex Model contained in 40 CFR 80.45, January 1, 1999. A copy may be obtained at: Government Publishing Office, 732 North Capitol Street, NW, Washington, D.C. 20401-0001 or bookstore.gpo.gov (herein referred to as “Federal Complex Model”).
12. California Air Resources Board, The California Reformulated Gasoline Regulations, Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending), as of April 9, 2005. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
13. California Air Resources Board, Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB), adopted April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
14. ASTM Standard D7467-20a, “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20),” published 2020, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D7467”).
15. SAE International, SAE J285, “Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines,” published April 2019, SAE International, 400 Commonwealth Drive, Warrendale, PA 15096 or www.sae.org (herein referred to as “SAE J285”).
16. ASTM Standard D4057-19, “Standard Practice for Manual Sampling of Petroleum and Petroleum Products,” published 2019, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D4057”).
17. NIST Handbook 158, Field Sampling Procedures for Fuel and Motor Oil Quality Testing, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (April 2016), incorporated by reference and on file with the Division (herein referred to as “Handbook 158”). This incorporation by reference contains no future editions or amendments.
18. ASTM Standard D2699-21, “Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel,” published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D2699”).
19. ASTM Standard D2700-22, “Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel,” published 2022, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D2700”).
20. ASTM Standard D7717-11(Reapproved 2021), “Standard Practice for Preparing Volumetric Blends of Denatured Fuel Ethanol and Gasoline Blendstocks for Laboratory Analysis,” published 2021, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org (herein referred to as “ASTM D7717”).
21. American Petroleum Institute (API) Manual of Petroleum Measurement Standards, Chapters 3.1A (Third Edition, August 2013, Reaffirmed December 2018) and 3.1B (Fourth Edition, October 2021), American Petroleum Institute, 1220 L St., N.W., Washington, D.C. 20005-4070 (herein referred to as “API Manual of Petroleum Measurement Standards”).

R3-7-703. Return of Motor Fuels Collected During Volumetric Inspection

After completing an inspection, and if made possible by the motor fuel dispensing site owner or operator, the Division shall return all motor fuel collected during the volumetric inspection of motor fuel dispensers to the location where the inspection occurred.

R3-7-704. Motor Fuel Dispensing Site Price and Grade Posting

- A. Any roadside or other sign, including, but not limited to, prices on poles, monument signs, canopies, ‘A-frame’ signs, or other structures, that advertises or displays motor fuel prices and is not connected to a motor fuel dispenser shall comply with subsections (1) through (4) of this Section, and shall comply with either method listed in subsections (5) and (6):
 1. Display the self-service and full-service prices, if different;
 2. Display the unit of measure of the price if other than per gallon;
 3. Display fractions of a cent, if the fuel price is not charged at a whole cent; and
 4. Display a decimal point when a dollar sign precedes the posted price.
 5. Display the undiscounted price for any motor fuel product and applicable grade advertised; or

6. Display the discounted price for any motor fuel product and applicable grade advertised along with the conditions under which the discount is available, including, but not limited to, "Cash", "Cash Only", or "Membership."
 - a. Any discount conditions must be clearly presented on a sign in a font no less than 1/5 the size of the largest number posted on the sign or 2 1/2 inches, whichever is larger, and may not be abbreviated.
 - b. The discount conditions must appear immediately next to, above or below the discounted price and with equal illumination as the discounted price.
- B. All motor fuel prices displayed must include all applicable federal and state taxes.
- C. Motor fuel Descriptions. Motor fuel types, grades, and blends shall be described on signs listed in Subsection (A) as indicated in the following table:

Motor Fuel Type	ASTM Standard	Fuel Properties	Allowable Description
Diesel	D975	Min. flash point 38° C Min. viscosity 1.3 mm ² /S, max. 2.4 mm ² /S	No. 1 Diesel, #1 Diesel, Diesel No. 1, or Diesel #1
		Min. flash point 52° C Min. viscosity 1.9 mm ² /S, max. 4.1 mm ² /S	No. 2 Diesel, #2 Diesel, Diesel No. 2, Diesel #2, or Diesel
	D975 or D7467	Meets definition of Premium Diesel in R3-7-101	Premium Diesel
	D7467	More than 5 and no more than 20 volume percent biodiesel	Biodiesel Blend or B-20 Biodiesel Blend
Ethanol Flex Fuel	D5798	51-83 volume percent ethanol	Ethanol Flex Fuel
Gasoline	D4814	Minimum 87 octane	Regular, Reg, Unleaded, UNL, or UL
		Minimum 89 octane	Midgrade, Mid, or Plus
		Minimum 91 octane	Premium, Prem, Super, Supreme, High, or High Performance
		Contains more than 10 but no more than 15 volume percent ethanol	E15

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

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

- A. The owner or operator of a motor fuel dispensing site shall label dispensers in accordance with pricing, motor fuel grade, octane rating, and lead substitute. A motor fuel dispensing station owner or operator shall ensure that information regarding pricing, motor fuel grade, octane rating, and lead-substitute addition displayed on a motor fuel dispenser:
 1. Displays the highest price of each grade of motor fuel sold from the dispenser prior to any deliberate action of the customer resulting in a discounted price being displayed, provided the dispenser is capable of dispensing and computing the price of motor fuel at more than one price;
 2. Displays a sign or label explaining the terms or conditions of any discounted price available to the consumer including whether the price differs based on method of payment or is conditional based on the sale of another product or service;
 3. Complies with the requirements of R3-7-704(A)(3) through (A)(6) and (B);
 4. Complies with the allowable fuel descriptions indicated in the table in R3-7-704(C);
 5. Displays the octane rating of each grade of gasoline; and
 6. Displays the legend required by Handbook 130 for motor fuel dispensers that dispense gasoline with lead substitute. The legend shall be presented in block letters on a sharply contrasting background with lettering no smaller than 1/4 inch in height.
- B. Motor fuel dispensers that are used exclusively for fleet sales and other price contract sales are exempt from the requirements in subsections (A)(1) and (A)(2).
- C. All motor fuels shall meet the labeling requirements of 16 CFR 306. Additionally, the following requirements apply:
 1. Gasoline containing ethanol.
 - a. Gasoline containing greater than 1.5% by weight oxygen or 4.3% by volume ethanol shall be labeled with the following statement to indicate the maximum percent by volume of ethanol contained in the gasoline: "May contain up to ____ % ethanol."
 - b. Gasoline for sale with an ethanol content greater than 10 volume percent and less than or equal to 15 volume percent shall additionally be labeled in accordance with 40 CFR 1090.1510, as it existed on December 4, 2020, and is incorporated by reference and on file with the Division. A copy may be obtained at the Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov.
 2. Gasoline containing an oxygenate other than ethanol. Gasoline containing greater than 1.5% by weight of an oxygenate other than ethanol shall be labeled with the following statement to indicate the type and maximum percent by volume of oxygenate contained in the gasoline: "May contain up to ____ % ____."
 3. The label in subsection (C)(1)(a) shall be printed in block letters on a sharply contrasting background with lettering no smaller than 1/4 inch in height.
- D. Unattended retail motor fuel dispensers. In addition to all labeling and sign requirements in this Article, the owner or operator of a motor fuel dispensing site that is unstaffed shall post a sign or label at the motor fuel dispensing site, in public view, that conspicuously lists the owner's or operator's name, address, and telephone number.

- E. Motor fuel dispensers shall display a decal that contains the Division's name and telephone number. A template of the decal shall be placed on the Weights and Measures Services Division website for use by retailers. The seal placed by the Division under A.R.S. § 3-3414(A)(13) satisfies this requirement.
- F. All labels and information required under this section to be posted on a motor fuel dispenser shall be displayed on the upper 50% of the front panel of each motor fuel dispenser and shall be clean, legible, and visible at all times.

R3-7-706. Repealed

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

- A. When a transferor transfers custody or title to a motor fuel that is not Arizona CBG or AZRBOB, and the motor fuel is not sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following information:
 - 1. The grade of the motor fuel;
 - 2. The volume of each grade of motor fuel being transferred;
 - 3. The date of the transfer;
 - 4. The product transfer document number;
 - 5. For conventional gasoline:
 - a. The minimum automotive fuel rating of each grade as prescribed by 16 CFR 306;
 - b. A legible and conspicuous statement that the gasoline being transferred contains an oxygenate and lists the type and percentage concentration of the oxygenate by volume; and
 - c. If transported in or through the CBG-covered area, the statement, "This gasoline is not intended for use inside the CBG-covered area";
 - 6. If a lead substitute is present in the gasoline, the type of lead substitute present;
 - 7. The following information regarding biofuel or biofuel blends:
 - a. Ethanol flex fuel shall contain a declaration of the volume percent of ethanol in the blend; or
 - b. Biodiesel and biomass-based diesel blends containing more than 5% biodiesel or biomass-based diesel shall contain a declaration of the volume percent biodiesel or biomass-based diesel in the blend, as well as the grade of diesel in the blend; and
 - c. All other biofuel or biofuel blends shall contain the percentage of biofuel in the finished product; and
 - 8. The final destination, as follows:
 - a. When a terminal is the transferor, the owner or operator of the terminal shall include on the product transfer document the terminal name and address and the transporter name and address;
 - b. When a transporter is the transferor, the transporter shall include on the product transfer document the name and address of the transporter and the final destination, which is the location at which the motor fuel will be delivered and off loaded from the truck; and
 - c. When a jobber or marketer is the transferor, the jobber or marketer shall include on the product transfer document the name and address of the jobber or marketer and the final destination, which may be a final distribution facility or a motor fuel dispensing site.
- B. To enable a transferor to comply fully with the requirement in subsection (A)(8)(b) and (A)(8)(c), the transferee shall provide to the transferor information regarding the final destination.
- C. A registered supplier, oxygenate blender, third-party terminal, or pipeline may use standardized product codes on pipeline tickets as the product transfer documentation.
- D. A transferor identified in subsection (A) shall retain product transfer documentation for each delivered shipment for 12 months. For 30 days following the transfer, such documentation shall be kept at the transferor's address listed on the product transfer documentation.
- E. An owner or operator of a motor fuel dispensing site or fleet owner shall keep, available for Division review, product transfer documentation for the three most recent deliveries of each grade of motor fuel at the motor fuel dispensing site.
- F. A person transferring custody or title of Arizona CBG or AZRBOB shall comply with R3-7-757.
- G. Upon request by the Division, a person shall present product transfer documents to the Division within two business days. Legible photocopies or electronic copies of the product transfer documents are acceptable.

R3-7-708. Gasoline Oxygenate Blends

- A. A person that has custody of gasoline blended with an oxygenate shall ensure that the amount of oxygenate does not exceed the amount allowed by EPA waivers, Section 211(f) of the Clean Air Act, and meets the requirements of A.R.S. §§ 3-3491, 3-3492, and 3-3495.
- B. Fuel ethanol specifications. A person that uses fuel ethanol as a blending component with conventional gasoline, conventional gasoline blendstocks, ethanol flex fuel, AZRBOB, or Arizona CBG shall ensure that the fuel ethanol meets the following requirements:
 - 1. A sulfur content not exceeding 10 ppm by weight;
 - 2. The fuel ethanol must be composed solely of carbon, hydrogen, nitrogen, oxygen, and sulfur;
 - 3. Only gasoline previously certified under 40 CFR Part 1090, Subpart C, (including previously certified blendstocks for oxygenate blending), gasoline blendstocks, natural gas liquids, or certified ethanol denaturant that meets the requirements in 40 CFR § 1090.275 may be used as denaturants; and
 - 4. The concentration of all denaturants is limited to a maximum of 3.0 volume percent.

- C. For oxygenates other than ethanol, the oxygenate shall meet the applicable ASTM standard for the oxygenate, and the finished blend shall meet ASTM D4814.
- D. Special provisions for gasoline-ethanol blends.
 - 1. Gasoline-ethanol blends shall meet ASTM D4814, except as provided in subsection (D)(2) or (D)(3).
 - 2. The maximum vapor pressure for gasoline blended with fuel ethanol may exceed the vapor pressure requirements outlined in ASTM D4814 by no more than 1.0 psi (referred to as the 1.0 psi waiver) for the following gasoline-ethanol blends:
 - a. Outside of the CBG-covered area if the concentration of ethanol, excluding the required denaturing agent, is at least 9% by volume and no more than the maximum concentration of ethanol that is allowed for the 1.0 psi waiver to apply under federal law;
 - b. In area B from October 1 through March 31 if the concentration of ethanol, excluding the required denaturing agent, is at least 6% by volume and no more than 15% by volume.
 - c. Inside the CBG-covered area during April only.
 - 3. Gasoline blended with no more than 15% by volume of ethanol shall be blended using one of the following alternatives:
 - a. The base gasoline complies with the standards in ASTM D4814, the fuel ethanol complies with the standards in ASTM D4806, and the finished blend complies with the standards in ASTM D4814 with the following permissible exceptions:
 - i. The distillation minimum temperature at the 50 volume percent evaporated point is not less than 66°C (150°F), and
 - ii. The minimum test temperature at which the vapor/liquid ratio is equal to 20 is waived; or
 - b. The finished blend complies with the standards in ASTM D4814.
- E. Ethanol flex fuel sold or offered for sale within the CBG-covered area shall:
 - 1. Use fuel ethanol that meets the standards in this Chapter, and
 - 2. Have a maximum vapor pressure that does not exceed the maximum vapor pressure requirements in R3-7-751(A)(6).
- F. E15 sold or offered for sale within the CBG-covered area shall:
 - 1. Use fuel ethanol that meets the standards in this Chapter, and
 - 2. Be blended with ethanol flex fuel that meets the requirements of subsection (E), or
 - 3. Be blended with Arizona CBG or AZRBOB.

R3-7-709. Repealed

R3-7-710. Oxygenate Blending Requirements

- A. A person that has custody of or transports an oxygenated gasoline blend shall ensure that no neat oxygenate blending occurs in a retail storage tank at a motor fuel dispensing site or fleet vehicle fueling facility.
- B. If a motor fuel dispensing site storage tank contains an oxygenated gasoline blend that does not contain the amount of oxygen required by A.R.S. §§ 3-3491, 3-3492, 3-3495, or R3-7-751, the owner or operator of the motor fuel dispensing site shall do one of the following:
 - 1. Add a gasoline blend that dilutes the non-compliant oxygenated gasoline blend to the level of oxygen content required by A.R.S. §§ 3-3491, 3-3492, 3-3495, or R3-7-751;
 - 2. Empty the storage tank and replace the non-compliant oxygenated gasoline blend with a required oxygenate blend;
 - 3. Upon written permission of the associate director, add gasoline that contains no more than 20% by volume of the same oxygenate to the non-compliant oxygenated gasoline blend.

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

- A. Before a person adds the initial gasoline-alcohol blend into a storage tank, the person shall:
 - 1. Test the storage tank for the presence of water and, if any water is detected, remove the water from the storage tank; and
 - 2. Install a fuel filter designed for use with gasoline-alcohol blends in the fuel line of all motor fuel dispensers that dispense gasoline-alcohol blends.
- B. If water is detected in a storage tank containing a gasoline-alcohol blend, the owner or operator shall empty the storage tank.

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

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

R3-7-713. Motor Fuel Storage Tank Labeling

- A. An owner or operator of a motor fuel dispensing site shall ensure that all motor fuel storage tank fill pipes and gasoline vapor return lines located at the motor fuel dispensing site are labeled to identify the contents accurately as:
 - 1. Unleaded gasoline;
 - 2. Unleaded midgrade gasoline;
 - 3. Unleaded premium gasoline;
 - 4. No. 1 diesel or #1 diesel;
 - 5. No. 2 diesel, #2 diesel, or diesel;
 - 6. Premium diesel;
 - 7. Gasoline vapor return, gasoline vapor recovery, or vapor recovery;
 - 8. Biodiesel or biodiesel blend, for blends containing more than 5% biodiesel by volume; or
 - 9. Ethanol flex fuel.

- B. For gasoline-ethanol blends containing more than 10 but no more than 15 volume percent ethanol, storage tank labels shall describe the gasoline grade as specified in subsection (A)(1), (A)(2), and (A)(3), along with the designation "E15".
- C. Any motor fuel not specified in subsection (A) shall be labeled at the storage tank fill pipe as designated on the product transfer document.
- D. An owner or operator of a motor fuel dispensing site shall ensure that the label required under subsection (A) is at least 1 1/2 inches by 5 inches in size with block letters on a sharply contrasting background, and with lettering no smaller than 1/4 inch in height. The label shall be clean, legible, and visible at all times.
- E. An owner or operator of a motor fuel dispensing site may display other information on the reverse side of a two-sided label.
- F. An owner or operator of a motor fuel dispensing site shall not put motor fuel into a storage tank without attaching the proper label as specified in this Section.
- G. A person shall not deliver motor fuel to a motor fuel dispensing site unless the product transfer documents confirm the motor fuel is the correct type as indicated on the tank fill pipes labeled under subsection (A) or (B) or the product being delivered meets or exceeds the standards of the labeled product.
- H. If tank fill pipe and vapor recovery manhole covers are color-coded, the color coding shall comply with API 1637.

R3-7-714. Repealed

R3-7-715. Motor Fuel Standards and Testing Methods

- A. Unless otherwise stated in this A.R.S. Title 3, Chapter 19, or this Chapter, all motor fuel sold or offered for sale, and oxygenates blended with motor fuel, shall meet the applicable standards incorporated by reference in R3-7-702(3), (4), (5), (7), (8), (9), (14), (18), and (19).
- B. October 1 through March 31 of each year, gasoline shall meet the requirements in A.R.S. § 3-3433(E).
- C. Unless otherwise required in A.R.S. Title 3, Chapter 19, or this Chapter, the producer of a motor fuel shall test and certify the motor fuel for its motor fuel properties using the methodology-standards incorporated by reference in R3-7-702(3), (4), (5), (7), (8), (9), (14), (18), and (19).
- D. The automotive fuel rating of a motor fuel shall be determined and certified in accordance with 16 CFR 306.

R3-7-716. Sampling and Access to Records

- A. The Division shall obtain motor fuel samples for testing from:
 1. The same motor fuel dispenser used for sales to customers;
 2. The same motor fuel dispenser used for dispensing motor fuel into fleet vehicles;
 3. A bulk storage facility;
 4. A pipeline having custody of motor fuel, including Arizona CBG or AZRBOB;
 5. A transporter of motor fuel, including Arizona CBG or AZRBOB;
 6. A final distribution facility;
 7. A third-party terminal having custody of motor fuel, including Arizona CBG or AZRBOB;
 8. An oxygenate blender or registered supplier; or
 9. A transmix or production facility.
- B. Unless otherwise specified in this Chapter, an owner or operator of a motor fuel dispensing site, pipeline, third-party terminal, or storage, transmix, production, or distribution facility, or a transporter, registered supplier, or oxygenate blender shall maintain for five years records relating to producing, importing, blending, transporting, distributing, delivering, testing, or storing motor fuels, including Arizona CBG or AZRBOB, and, upon Division request, shall make the records available within 15 days for Division inspection.

R3-7-717. Motor Fuel Dispensing Site Equipment

- A. Hold-open latch. If an owner or operator of a motor fuel dispensing site operates a motor fuel dispenser that utilizes a nozzle equipped with a hold-open latch, the owner or operator shall ensure that the latch operates according to the manufacturer's specifications.
- B. Nozzle requirements for diesel fuel. An owner or operator of a motor fuel dispensing site operating a motor fuel dispenser from which diesel fuel is sold at retail shall ensure that the dispenser utilizes a diesel nozzle with a spout diameter that conforms to SAE J285.
- C. Motor fuel dispenser filters. An owner or operator of a motor fuel dispensing site shall ensure that:
 1. All gasoline, gasoline-alcohol blends, and ethanol flex fuel dispensers have a 10 micron or smaller nominal pore-sized filter;
 2. Dispensers that dispense gasoline-alcohol blends shall have fuel filters designed for use with gasoline-alcohol blends;
 3. All biodiesel, biodiesel blends, diesel, and kerosene dispensers have a 30 micron or smaller nominal pore-sized filter; or
 4. In the event a motor fuel dispenser is not manufactured to be equipped to use fuel filters, they shall be installed in line with the fuel dispensing hose at the base of the dispenser. If this is not feasible, the motor fuel dispensing site owner may provide evidence that fuel filters cannot be installed at the site due to the configuration and apply for a waiver from these requirements from the associate director.
- D. All retail diesel fuel dispensers and ethanol flex fuel dispensers shall be equipped with nozzles that meet the grip guard color requirements in § 3-3436(B). No other nozzles shall be equipped with these color grip guards.
- E. Motor fuel dispensers shall meet appropriate Underwriters Laboratories ratings and be compatible with the motor fuel being dispensed.

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

- A. Biofuel blenders, biofuel producers, and biofuel suppliers of biofuels or biofuel blends in Arizona shall meet the following requirements:
 1. Register with the Environmental Protection Agency under 40 CFR 80.1450 or 40 CFR 1090, subpart I, as they existed on December 4, 2020.

2. Upon request by the associate director, report the total volume of biofuel or biofuel blends produced or supplied for the previous calendar year, including the total volume of each blend component. The report shall be provided to the Division within 15 days of the request. Any information reported to the Division shall remain confidential under A.R.S. § 44-1374.
- B. Quality Assurance and Quality Control (“QA/QC”) program requirements.**
1. A biofuel producer or biofuel blender shall implement a QA/QC program to ensure the quality of a biofuel or biofuel blend produced in or supplied in or into Arizona;
 2. The QA/QC program implemented by a biofuel producer shall include the following minimum requirements:
 - a. A sampling and testing program to certify that the biofuel meets applicable ASTM requirements that apply to the biofuel produced. All samples shall be collected in accordance with ASTM sampling methods following the addition of any applicable blend components. The plan shall include a policy for sample retention;
 - b. A Certificate of Analysis with a unique identification number generated for each batch produced and indicated on the product transfer document;
 - c. The Certificate of Analysis required under subsection (B)(2)(b) and any other supporting sampling and testing documentation required under this Section is made available to the Division within 24 hours of a request; and
 - d. Any storage tank containing biofuel that is inactive for more than 30 days is resampled and analyzed to verify the fuel meets ASTM standards.
 3. The QA/QC program implemented by a biofuel blender shall include the following minimum requirements:
 - a. Retention of:
 - i. Documentation that demonstrates the applicable biofuel blend components were received from a facility registered with the EPA under 40 CFR 80.1450 or 40 CFR 1090, subpart I;
 - ii. Certificates of Analysis for the biofuel used as a blend component in the blending process; and
 - iii. Documentation such as a product transfer document that demonstrates the diesel fuel used in the blending process meets the requirements of ASTM D975;
 - b. For biodiesel blending, all diesel fuel used as a blend component is analyzed to verify the biodiesel content before blending if the initial volume percent of biodiesel content in the diesel fuel component is unknown; alternatively, for biodiesel blends blended at a motor fuel dispensing site, the biofuel blender may assume the diesel contains 5% biodiesel and prepare and maintain calculations demonstrating the biodiesel content of the final biodiesel blend if it is advertised to consumers as a biodiesel blend containing more than 5 and no more than 20 volume percent biodiesel and the calculations demonstrate the biodiesel blend will be compliant with the biodiesel content advertised;
 - c. Any storage tank containing biofuel that is inactive for more than 30 days is resampled and analyzed to verify the fuel meets ASTM standards; and
 - d. All biodiesel used as a blend component in biodiesel blends consists of at least 99% biodiesel unless approved by the Division.
 4. All records required under this subsection are maintained either onsite or at an offsite location for at least five years and made available to the Division upon request.
 5. In the event the Division identifies biofuel or biofuel blends that do not meet ASTM standards, the producer or biofuel blender shall evaluate the QA/QC program and make any additional changes that may be required to bring the fuel into compliance.
- C. Exemptions**
1. A producer, supplier, or blender of diesel fuel containing 5% by volume or less biodiesel is exempt from this Section if the following conditions are met:
 - a. The diesel fuel meets the standards of ASTM D975; and
 - b. If the initial volume percent of biodiesel content is unknown, the person blending the biodiesel into diesel fuel analyzes the diesel fuel to verify the initial biodiesel content and ensure the resulting blend meets the requirements in ASTM D975.
 2. A biofuel producer, biofuel supplier, or biofuel blender who produces, supplies, or blends diesel fuel blended with a biomass-based diesel where the resulting fuel meets the requirements in ASTM D975 is exempt from this section.
 3. Gasoline containing up to 15% ethanol is exempt from this section.

R3-7-719. Repealed

R3-7-720. Renumbered

R3-7-721. Renumbered

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

The following definitions apply only to R3-7-750 through R3-7-762:

1. “Designated alternative limit” means a fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the Predictive Model Procedures, which are incorporated by reference in R3-7-702(10).
2. “Importer” means any person that assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.
3. “Oxygenate-blending facility” means any location (including, but not limited to, a truck) where an oxygenate or ethanol flex fuel is added to Arizona CBG or AZRBOB, and nothing further is added to the resulting Arizona CBG except for the addition of a deposit-control or similar additive registered under 40 CFR 79. An oxygenate-blending facility includes a facility that recertifies Arizona CBG under R3-7-755(F).

4. "Performance standard" means the VOC and NO_x emission reduction percentages in R3-7-751(A)(8) and R3-7-751(D)(1).
5. "PM alternative gasoline formulation" means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.
6. "PM alternative specifications" means the specifications for the following fuel properties, as determined using a testing methodology in R3-7-759:
 - a. Maximum vapor pressure, expressed in the nearest 100th of a pound per square inch;
 - b. Maximum sulfur content, expressed in the nearest part per million by weight;
 - c. Maximum olefin content, expressed in the nearest 10th of a percent by volume;
 - d. Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;
 - e. Maximum T50, expressed in the nearest degree Fahrenheit;
 - f. Maximum T90, expressed in the nearest degree Fahrenheit; and
 - g. Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.
7. "PM flat limit" means a PM alternative specification that is subject to the PM flat limit compliance option.
8. "PM flat limit compliance option" means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for that specified fuel property as contained in the PM alternative specifications.
9. "Produce" means:
 - a. Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB.
 - b. If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article, without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.
 - c. If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona CBG or AZRBOB.
 - d. If an oxygenate blender blends oxygenates or ethanol flex fuel into Arizona CBG or AZRBOB, and nothing further is added to the AZRBOB or the resulting Arizona CBG except for the addition of a deposit-control or similar additive, the producer or importer of the AZRBOB, rather than the oxygenate blender, is considered the producer or importer of the resulting Arizona CBG.
10. "Registered supplier" means a producer or importer that supplies Arizona CBG or AZRBOB and is registered with the associate director under R3-7-750.
11. "Third-party terminal" means an owner or operator of a gasoline storage tank facility that accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier, oxygenate blender, pipeline, or other third-party terminal and relinquishes custody of the Arizona CBG or AZRBOB to a transporter or other terminal.
12. "Type 1 Arizona CBG" means a gasoline that meets the standards contained in R3-7-751(A) and R3-7-751(D)(1).
13. "Type 2 Arizona CBG" means a gasoline that meets the standards contained in R3-7-751(D)(2), and meets the requirements in:
 - a. R3-7-751(A) beginning April 1 through October 31 of each year, and
 - b. R3-7-751(B) beginning November 1 through March 31 of each year.
14. "Winter" means November 1 through March 31.

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

- A. For each physical location, the following shall register with the associate director before producing, importing, or obtaining custody of Arizona CBG or AZRBOB:
 1. A refiner or CBG blender that produces Arizona CBG or AZRBOB;
 2. An importer that imports Arizona CBG or AZRBOB;
 3. An oxygenate blender that blends oxygenate with AZRBOB to produce Arizona CBG;
 4. An oxygenate blender that recertifies Arizona CBG under R3-7-755(F); or
 5. A pipeline or third-party terminal that has custody of Arizona CBG or AZRBOB.
- B. A person listed in subsection (A) shall register on a form prescribed by the associate director and include the following information:
 1. Business name, business address, and contact name or position title and telephone number;
 2. The facility name, physical location, contact name or position title and telephone number, and type of facility;
 3. The location of the records required under this article; and if records are kept off-site, the primary off-site storage facility name, physical location, and contact name or position title and telephone number;
 4. If an independent laboratory is used to meet the requirements of R3-7-752(F), the name and address of the independent laboratory, and contact name or position title and telephone number;
 5. If required under 40 CFR § 1090.800, the EPA registration number; and
 6. A statement of consent permitting the Division or its authorized agent to collect samples and access records as provided in R3-7-716.
- C. A person registered under subsection (B) shall notify the associate director within 10 days after the effective date of a change in any of the information provided under subsection (B).

- D. If a refiner, CBG blender, oxygenate blender, or importer fails to register under this Section, all Arizona CBG or AZRBOB, which is produced by the refiner, CBG blender, or oxygenate blender, or imported by the importer, and which is transported to the CBG-covered area, is presumed to be noncompliant from the date that registration should have occurred.
- E. The Division shall maintain a list of all registered suppliers.

R3-7-751. Arizona CBG Requirements

- A. General fuel property and performance requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements and for any fuel property not specified, shall meet the requirements in ASTM D4814. The dates in this Section are compliance dates for the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility.
 - 1. Sulfur: 95 ppm by weight (max).
 - 2. Aromatics: 50% by volume (max).
 - 3. Olefins: 25% by volume (max).
 - 4. E200: 70-30% volume.
 - 5. E300: 100-70% volume.
 - 6. Maximum vapor pressure:
 - a. October: 9.0 psi.
 - b. November 1 - March 31: 9.0 psi.
 - c. April: 10.0 psi.
 - d. May: 9.0 psi.
 - e. June 1 - September 30: 7.0 psi.
 - f. A gasoline-ethanol blend in the CBG-covered area is subject to the 1 psi vapor pressure waiver, as described in R3-7-708(D)(2), during April only.
 - 7. Oxygen and oxygenates:
 - a. Minimum content:
 - i. November 1 - March 31: 10% ethanol by volume or 12.5% isobutanol by volume. If a petition under A.R.S. § 3-3493(C) is in effect: 2.7% oxygen by weight as approved by the associate director.
 - ii. April 1 - October 31: 0% by weight (any oxygenate).
 - b. The maximum oxygen content shall not exceed 5.8% by weight for ethanol and shall not exceed the amount allowed by EPA waivers under Section 211(f) of the Clean Air Act for other oxygenates. Additionally, the oxygen content shall comply with the requirements of A.R.S. § 3-3491 and § 3-3492.
 - c. Arizona CBG shall not contain more than 0.3 volume percent MTBE nor more than 0.1 weight percent oxygen from all other ethers or alcohols listed in A.R.S. § 3-3491.
 - 8. Arizona CBG shall meet the Federal Complex Model VOC emissions reduction percentage May 1 through September 15: 27.5% (Federal Complex Model settings: Summer, Area Class B, Phase 2).
- B. Winter requirements. In addition to the other requirements of this Article, the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility shall ensure that beginning November 1 through March 31 of each year, all Arizona CBG meets the following fuel property requirements.
 - 1. Sulfur: 80 ppm by weight (max),
 - 2. Aromatics: 30% by volume (max),
 - 3. Olefins: 10% by volume (max),
 - 4. 90% Distillation Temp. (T90): 330° F (max),
 - 5. 50% Distillation Temp. (T50): 220° F (max),
 - 6. Vapor Pressure: 9.0 psi (max), and
 - 7. Oxygenate:
 - a. Minimum oxygenate content - 10% ethanol by volume or 12.5% isobutanol by volume;
 - b. Maximum oxygen content - 5.8% oxygen by weight, and shall comply with the requirements of A.R.S. § 3-3492; and
 - c. Alternative minimum ethanol or isobutanol content may be used if approved by the associate director under A.R.S. § 3-3493(C).
- C. Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier shall certify Arizona CBG or AZRBOB under R3-7-752, using the test methods specified in R3-7-759. Type 1 Arizona CBG or Type 2 Arizona CBG shall be certified with the addition of 10 volume percent ethanol or an oxygen content of 2.7% by weight for other oxygenates. A PM alternative gasoline formulation shall be certified with an oxygen content of 1.8 to 2.2% by weight as outlined in subsection (I).
- D. In addition to the standards in subsections (A) and (B), Type 1 Arizona CBG and Type 2 Arizona CBG shall be certified meeting the following standards:
 - 1. Type 1 standards. For each fuel property, Type 1 Arizona CBG shall comply with the following per gallon standards, and shall be certified using the Federal Complex Model:
 - a. VOC Emission Reduction: 27.5% (min) May 1 through September 15.
 - b. NOx Emission Reduction: 5.5% (min) May 1 through September 15.
 - c. NOx Emission Reduction: 0.0% (min) September 16 through October 31 and February 1 through April 30.
 - 2. Type 2 standards. For each fuel property, Type 2 Arizona CBG shall comply with the following maximum per gallon standards or a PM alternative gasoline formulation:
 - a. Maximum per gallon standards.

- i. Sulfur: 40 ppm by weight (max).
 - ii. Aromatics: 25.0% by volume (max).
 - iii. Olefins: 6.0% by volume (max).
 - iv. 90% distillation temperature (T90): 300 °F (max).
 - v. 50% distillation temperature (T50): 210 °F (max).
 - b. PM alternative gasoline formulation. The PM alternative gasoline formulation shall meet the requirements of subsections (G) through (I), and the per gallon standards in R3-7-751(A) beginning April 1 through October 31 of each year, and R3-7-751(B) beginning November 1 through March 31 of each year.
- E.** A registered supplier may produce Type 1 Arizona CBG from December 1 through March 31 but the registered supplier shall not distribute the Arizona CBG to a motor fuel dispensing site within the CBG-covered area before April 1. A registered supplier may produce and distribute Type 2 Arizona CBG year-round.
- F.** November 1 through March 31 of each year, a registered supplier shall ensure that all Arizona CBG or AZRBOB complies with Type 2 Arizona CBG requirements or the PM alternative gasoline formulation requirements.
- G.** Certification and use of the Predictive Model Procedures for PM alternative gasoline formulations.
- 1. Except as provided in subsection (I), a registered supplier shall use the PM as provided in the Predictive Model Procedures.
 - 2. A registered supplier shall certify a PM alternative gasoline formulation with the associate director on a form prescribed by, or in a format acceptable to, the associate director, of:
 - a. The PM alternative specifications that apply to the final blend; and
 - b. The numerical values for percent change in emissions for oxides of nitrogen and hydrocarbons determined in accordance with the Predictive Model Procedures.
 - 3. A registered supplier shall deliver the certification required under subsection (G)(2) to the associate director within 3 business days of transporting the PM alternative gasoline formulation. The registered supplier shall have a written process that is followed to verify the PM alternative gasoline formulation meets the applicable PM alternative specifications prior to transport.
 - 4. If a registered supplier notifies the associate director under subsection (G)(3) that a final blend of Arizona CBG is sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of Arizona CBG or AZRBOB subsequently sold or supplied from that production or import facility are subject to the same PM alternative specifications until the registered supplier either:
 - a. Designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications; or
 - b. Chooses to certify a final blend at that facility subject to a flat limit compliance option.
- H.** Prohibited activities regarding PM alternative gasoline formulations. A registered supplier shall not sell, offer for sale, supply, or offer to supply from the registered supplier's production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under R3-7-752 if any of the following occur:
- 1. The PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures, or
 - 2. The gasoline fails to conform to any PM flat limit in the PM alternative specifications. A registered supplier may not use an average compliance option in the PM alternative specifications.
- I.** Oxygen content requirements for PM alternative gasoline formulations. A registered supplier shall ensure that from November 1 through March 31, all alternative PM gasoline formulations comply with oxygen content requirements for the CBG-covered area. Regardless of the oxygen content, a registered supplier shall certify the final alternative PM gasoline formulation using the PM with a minimum oxygen content of 1.8% by weight and a maximum oxygen content of 2.2% by weight. A registered supplier may use the CARBOB Model as a substitute for the preparation of a ethanol hand blend and use the fuel qualities calculated under the CARBOB Model for compliance and reporting purposes.
- J.** Rounding of values shall be conducted following 40 CFR 1090.50.

R3-7-751.01 Repealed

R3-7-752. General Requirements for Registered Suppliers

- A.** A registered supplier shall certify that each batch of Arizona CBG or AZRBOB transported for sale or use in the CBG-covered area meets the standards in this Article.
- B.** A registered supplier shall make the certification on a form or in a format prescribed by the associate director. The registered supplier shall include in the certification information on shipment volumes, fuel properties as determined under R3-7-759, and performance standards for each batch of Arizona CBG or AZRBOB. The registered supplier shall submit the certification to the associate director on or before the 15th day of each month for each batch of Arizona CBG or AZRBOB transported during the previous month.
- C.** Recordkeeping and records retention.
 - 1. A registered supplier that samples and analyzes a final blend or shipment of Arizona CBG or AZRBOB under this Section shall maintain, for five years from the date of each sampling, records of the following:
 - a. Sample date;
 - b. Identity of blend or product sampled;
 - c. Container or other vessel sampled;
 - d. The final blend or shipment volume; and
 - e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, vapor pressure, and as applicable, T50, T90, E200, and E300 as determined under R3-7-759.

2. If Arizona CBG or AZRBOB produced or imported by a registered supplier is not tested and documented as required by this Section, the associate director shall deem the Arizona CBG or AZRBOB to have a vapor pressure, sulfur, aromatic hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in R3-7-751 or the comparable PM limits, unless the registered supplier demonstrates to the associate director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.
 3. A registered supplier shall provide to the associate director any records maintained by the registered supplier under this Section within 15 days of a written request from the associate director. If a registered supplier fails to provide records for a blend or shipment of Arizona CBG or AZRBOB, the associate director shall deem the final blend or shipment of Arizona CBG or AZRBOB in violation of R3-7-751, unless the registered supplier demonstrates to the associate director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.
- D.** Notification requirement. A registered supplier shall notify the associate director by e-mail before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
- E.** Quality Assurance and Quality Control ("QA/QC") Program. A registered supplier shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the registered supplier's laboratory testing of Arizona CBG or AZRBOB. The registered supplier shall submit the QA/QC program to the associate director for approval at least three months before the registered supplier transports Arizona CBG or AZRBOB. The associate director shall approve a QA/QC program only if the associate director determines that the QA/QC program ensures that the registered supplier's laboratory testing procedures comply with R3-7-759 and the data generated by the registered supplier's laboratory are complete, accurate, and reproducible. If the registered supplier makes significant changes to the QA/QC program, the registered supplier shall resubmit the QA/QC program to the associate director for review and approval. Within 30 days of receiving the changed QA/QC program, the associate director shall determine whether the changed QA/QC program meets the original quality objectives. The associate director shall approve the changed QA/QC program if it meets the quality objectives. Instead of developing a QA/QC program, a registered supplier may comply with the independent testing requirements of subsection (F).
- F.** Independent testing.
1. A registered supplier of Arizona CBG or AZRBOB that does not develop a QA/QC program shall conduct a program of independent sample collection and analysis for the Arizona CBG or AZRBOB produced or imported, that complies with one of the following:
 - a. Option 1. A registered supplier shall, for each batch of Arizona CBG or AZRBOB produced or imported, have an independent laboratory collect and analyze a representative sample from the batch using the methodology specified in R3-7-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
 - b. Option 2. A registered supplier shall have an independent testing program for all Arizona CBG or AZRBOB that the registered supplier produces or imports that consists of the following:
 - i. An independent laboratory shall collect a representative sample from each batch;
 - ii. The associate director or designee shall identify up to 10% of the samples collected under subsection (F)(1)(b)(i) for analysis; and
 - iii. The independent laboratory shall, for each sample identified by the associate director or designee, analyze the sample using the methodology specified in R3-7-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
 2. The associate director or designee may request in writing a duplicate of the batch sample collected under subsection (F)(1)(a) or (b) for analysis by a laboratory selected by the associate director or designee. The registered supplier shall submit a duplicate of the sample to the associate director within 24 hours of the written request.
 3. Designation of independent laboratory.
 - a. A registered supplier that does not develop a QA/QC program shall designate one independent laboratory for each production or import facility at which the registered supplier produces or imports Arizona CBG or AZRBOB. The independent laboratory shall collect samples and perform analyses according to subsection (F).
 - b. A registered supplier shall identify the designated independent laboratory to the associate director under the registration requirements of R3-7-750.
 - c. A laboratory is considered independent if:
 - i. The laboratory is not operated by a registered supplier or the registered supplier's subsidiary or employee,
 - ii. The laboratory does not have any interest in any registered supplier, and
 - iii. The registered supplier does not have any interest in the designated laboratory.
 - d. Notwithstanding the restrictions in subsection (F)(3)(c), a laboratory owned or operated by a pipeline shall be considered independent if the pipeline is owned or operated by four or more registered suppliers.
 - e. A registered supplier shall not use a laboratory that is debarred, suspended, or proposed for debarment according to the Government-wide Debarment and Suspension regulations, 40 CFR 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9.4.
 4. A registered supplier shall ensure that its designated independent laboratory:
 - a. Records the following at the time the designated independent laboratory collects a representative sample from a batch of Arizona CBG or AZRBOB:
 - i. The producer's or importer's assigned batch number for the batch sampled;
 - ii. The volume of the batch;
 - iii. The identification number of the gasoline storage tank in which the batch is stored at the time the sample is collected;
 - iv. The date and time the batch became Arizona CBG or AZRBOB;

- v. The date and time the sample is collected;
 - vi. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
 - vii. For Arizona CBG or AZRBOB produced by computer-controlled in-line blending, the date and time the blending process began and the date and time the blending process ended, unless exempt under subsection (G);
 - b. Retains each sample collected under this subsection for at least 45 days, unless this time is extended by the associate director for up to 180 days;
 - c. Submits to the associate director a quarterly report on or before the 15th day of January, April, July, and October of each year that includes, for each sample of Arizona CBG or AZRBOB analyzed under subsection (F):
 - i. The results of the independent laboratory's analyses for each fuel property, and
 - ii. The information specified in subsection (F)(4)(a) for each sample; and
 - d. Supplies to the associate director, upon request, a duplicate of the sample.
- G.** Exemptions to QA/QC and independent laboratory testing requirements. A registered supplier that produces or imports Arizona CBG or AZRBOB using computer-controlled in-line blending equipment and operates under an exemption from EPA under 40 CFR § 1090.1315, is exempt from the requirements of subsections (E) and (F), if reports of the results of the independent audit program of the registered supplier's computer-controlled in-line blending operation, which are submitted to EPA under 40 CFR § 1090.1315, are submitted to the associate director by March 1 of each year.
- H.** Use of laboratory analysis for certification of Arizona CBG and AZRBOB.
- 1. If both a registered supplier and an independent laboratory collect a sample from the same batch of Arizona CBG or AZRBOB and perform a laboratory analysis under subsection (F) to determine compliance of the sample with a fuel property, the registered supplier and independent laboratory shall use the same test methodology. The results of the analysis conducted by the registered supplier shall be used for certification of the Arizona CBG or AZRBOB under subsection (B), unless the absolute value of the difference between the two results is larger than one of the following:
 - a. Sulfur content: 25 ppm by weight,
 - b. Aromatics: 2.7% by volume,
 - c. Olefins: 2.5% by volume,
 - d. Ethanol: 0.4% by volume,
 - e. Isobutanol: 0.6% by volume,
 - f. Vapor pressure: 0.3 psi,
 - g. 50% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results,
 - h. 90% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results,
 - i. E200: 2.5% by volume,
 - j. E300: 3.5% by volume, or
 - k. API gravity: 0.3° API.
 - 2. If the absolute value of the difference between the results of the analyses conducted by the registered supplier and independent laboratory is larger than one of the values specified in subsection (H)(1), the registered supplier shall use one of the following for certification of the batch of Arizona CBG or AZRBOB under subsection (B):
 - a. The larger of the two values for each fuel property, except the smaller of the two values shall be used for measures of oxygenates; or
 - b. Have a second independent laboratory analyze the Arizona CBG or AZRBOB for each fuel property; and if the difference between the results obtained by the second independent laboratory and those obtained by the registered supplier are within the range listed in subsection (H)(1), the registered supplier's results shall be used for certifying the Arizona CBG or AZRBOB under subsection (B).

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

- A.** A pipeline or third-party terminal shall not accept Arizona CBG or AZRBOB for transport unless:
 - 1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner, CBG blender, oxygenate blender, pipeline, or third-party terminal registered with the Division under R3-7-750; and
 - 2. The registered supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in R3-7-751(A) or (B), as applicable, without reproducibility or numerical rounding.
- B.** A pipeline or third-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or third-party terminal shall retain the sample for at least 30 days unless this time is extended for an individual sample for up to 180 days by the associate director.
- C.** A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at each input location. Testing shall consist of at least one sample for each registered supplier who completes a batch shipment at that input location on that day.
- D.** A pipeline shall provide the associate director with a report summarizing the quality control testing results obtained under subsection (C) by the 15th day of each month, for all results obtained during the previous month. The report shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the Arizona CBG or AZRBOB was transported by pipeline, present sample location, and laboratory analysis results.
- E.** If a batch does not meet the standards in R3-7-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the associate director by e-mail within 48 hours of the batch volume and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results.
- F.** If a batch does not meet the standards in R3-7-751(A) or (B), as applicable, including reproducibility, the pipeline or third-party terminal shall notify the associate director by e-mail within 24 hours of the batch quantity and date tendered, proposed shipment date,

whether the batch was transported by the pipeline, present batch location, and laboratory analysis results. If the batch is in the pipeline's or third-party terminal's control, the pipeline or third-party terminal shall prevent release of the batch from a distribution point until the batch is certified as meeting the standards in R3-7-751(A) or (B), as applicable.

- G. A pipeline or third-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or third-party terminal's laboratory testing. The QA/QC program for a pipeline or third-party terminal shall include a description of the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported to the CBG-covered area meets the standards in R3-7-751(A) or (B). A pipeline or third-party terminal shall submit the QA/QC program to the associate director for approval at least three months before the pipeline or third-party terminal begins to transport Arizona CBG or AZRBOB. The associate director shall approve a QA/QC program only if the associate director determines that the QA/QC program ensures that the pipeline's or third-party terminal's laboratory testing produces data that are complete, accurate, and reproducible. If a pipeline or third-party terminal makes significant changes to the QA/QC program, the pipeline or third-party terminal shall resubmit the QA/QC program to the associate director for review and approval. Within 30 days of receiving the changed QA/QC program, the associate director shall determine whether the changed QA/QC program meets the quality objectives originally approved by the Division. The associate director shall approve the changed QA/QC program if it meets the quality objectives.
- H. A portion of a facility that a third-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but the third-party terminal shall operate the exempt portion of the facility in compliance with requirements for registered suppliers in R3-7-752 and oxygenate blenders in R3-7-755, as applicable.
- I. A pipeline is not liable under R3-7-761 if it follows all of the procedures in this Section.

R3-7-754. Downstream Blending Exceptions for Transmix

- A. A pipeline or third-party terminal may blend transmix into Arizona CBG or AZRBOB at a rate not to exceed 1/4 of one percent by volume. Each pipeline or third-party terminal shall document the transmix blending (recording each batch and volume of transmix blended) and maintain the records at the third-party terminal for two years from the date of blending.
- B. One of two methods shall be used to measure the transmix as it is blended into the product stream:
 - 1. Meters, calibrated at least twice each year; or
 - 2. Tank gauge as per the API Manual of Petroleum Measurement Standards.

R3-7-755. Additional Requirements for AZRBOB and Oxygenate Blending

- A. Application of Arizona CBG standards to AZRBOB.

Determining whether AZRBOB complies with Arizona CBG standards.

 - 1. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the AZRBOB, for purposes of compliance with R3-7-751(C), are determined by adding the specified type and amount of oxygenate to a representative sample of the AZRBOB and determining the fuel properties and performance standards of the resulting gasoline using the test methods in R3-7-759 or, in the case of ethanol blends, certifying the AZRBOB using the CARBOB Model, on a form or in a format prescribed by the associate director. If the registered supplier designates a range of amounts of oxygenate to be added to the AZRBOB, the minimum designated amount of oxygenate shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Division shall determine whether the AZRBOB complies with applicable fuel properties and performance standards, excluding requirements for vapor pressure, without adding oxygenate to the AZRBOB.
 - 2. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the oxygenate added to the representative sample under subsection (A)(1) is representative of the oxygenate the registered supplier reasonably expects will be subsequently added to the AZRBOB.
 - 3. The representative sample under subsection (A)(1) shall be prepared in accordance with ASTM D7717 or another test method approved by EPA or CARB.
 - 4. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under R3-7-751 by adding the minimum amount of oxygenate designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Division shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of oxygenate to the AZRBOB.
- B. Restrictions on transferring AZRBOB.
 - 1. A person shall not transfer ownership or custody of AZRBOB to any other person unless the transferee notifies the transferor in writing that:
 - a. The transferee is a registered oxygenate blender and will add oxygenate in the type and amount (or within the range of amounts) designated in R3-7-757, or will recertify the AZRBOB under R3-7-755(F), before the AZRBOB is transferred from a final distribution facility; or
 - b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygenate blender that adds the type and amount (or within the range of amounts) of oxygenate designated in R3-7-757 to the AZRBOB, or recertifies the AZRBOB under R3-7-755(F), before the AZRBOB is transferred from a final distribution facility.
 - 2. A person shall not sell or supply Arizona CBG from a final distribution facility if the type and amount or range of amounts of oxygenate designated in R3-7-757 have not been added to the AZRBOB, unless the final distribution facility recertifies the AZRBOB under R3-7-755(F).

- C. Restrictions on blending AZRBOB with other products. A person shall not combine AZRBOB supplied from the facility at which the AZRBOB is produced or imported with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:
1. Oxygenate in the type and amount (or within the range of amounts) specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility unless the AZRBOB is recertified by an oxygenate blender under R3-7-755(F); or
 2. Other AZRBOB for which the same oxygenate type and amount (or range of amounts) is specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility, except that AZRBOB certified for the addition of 10% ethanol may be combined with AZRBOB certified for the addition of more than 10 but no more than 15 volume percent ethanol.
- D. Survey for oxygenate blending during the winter. A registered supplier supplying AZRBOB from a production or import facility shall conduct an oxygenate blending survey program that meets the requirements of R3-7-760(A) or use an independent third-party to conduct an oxygenate blending survey program that meets the requirements in R3-7-760(B).
- E. Requirements for oxygenate blenders.
1. Requirement to add oxygenate to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that oxygenate will be added to the AZRBOB, the oxygenate blender shall add oxygenate to the AZRBOB in the type and amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB except as provided under R3-7-755(F).
 2. Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending oxygenate with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in R3-7-759.
 3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that blends AZRBOB in a motor fuel delivery truck shall conduct a quality assurance sampling and testing program to determine whether the proper type and amount of oxygenate is added to AZRBOB. The program shall be conducted as follows:
 - a. All samples shall be collected subsequent to the addition of oxygenate and prior to combining the resulting gasoline with any other gasoline;
 - b. Sampling and testing shall be done at one of the following rates:
 - i. In the case computer-controlled in-line blending is used, a rate of not less than one sample per each five hundred occasions AZRBOB and oxygenate are loaded into a truck by that oxygenate blender, or one sample every three months, whichever is more frequent; or
 - ii. In the case computer-controlled in-line blending is not used, a rate of not less than one sample per each one hundred occasions AZRBOB and oxygenate are blended in a truck by that oxygenate blender, or one sample per month, whichever is more frequent.
 - c. Sampling and testing shall be of the Arizona CBG produced by that oxygenate blender;
 - d. Samples shall be analyzed for oxygenate type and oxygen content using the testing methodology specified in R3-7-759, including reproducibility; and
 - e. In the event the testing results for any sample indicate the gasoline does not contain the specified type and amount of oxygenate (within the ranges of the applicable test methods, including reproducibility), the oxygenate blender shall:
 - i. Immediately stop selling (or where possible, to stop any transferee of the gasoline from selling) the gasoline which was sampled;
 - ii. Take steps to determine and correct the cause of the noncompliance; and
 - iii. Increase the rate of sampling and testing to double the required frequency outlined in subsection (E)(3)(b).
 - f. The increased frequency in subsection (E)(3)(e)(iii) shall continue until the results of ten consecutive samples and tests indicate the gasoline complies with applicable standards, at which time the sampling and testing frequency may revert to the original frequency.
 4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
 - a. An oxygenate blender that produces Arizona CBG by blending oxygenate with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
 - i. Obtain a flow proportional composite sample after the addition of oxygenate and before combining the resulting Arizona CBG with any other Arizona CBG;
 - ii. Determine the oxygen content of the Arizona CBG by analyzing the composite sample within 24 hours of blending using the methodology in R3-7-759; and
 - iii. Determine the volume of the resulting Arizona CBG.
 - b. If the test results for the Arizona CBG indicate that it does not contain the amount of oxygenate specified by the ranges of the applicable test methods, the oxygenate blender shall:
 - i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline or transmix upon arrival in Arizona;
 - ii. Begin an investigation to determine the cause of the noncompliance;
 - iii. Collect a representative sample every two hours during each in-line blend of AZRBOB and oxygenate, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
 - iv. Notify the associate director in writing within one business day that the Arizona CBG does not comply with the requirements of this Article.
 - v. The oxygenate blender shall comply with subsection (E)(4)(b)(iii) until the associate director determines that the corrective action has remedied the noncompliance.

5. Additional requirements for oxygenate blending at motor fuel dispensing sites. An oxygenate blender that blends AZRBOB or Arizona CBG with oxygenates at a motor fuel dispensing site shall conduct a quality assurance sampling and testing program to determine whether the proper type and amount of oxygenate is added as follows:
 - a. The samples shall be collected subsequent to the addition of oxygenate at least once every six months.
 - b. Samples shall be analyzed for oxygenate type and oxygen content using the testing methodology in R3-7-759, including reproducibility.
 - c. In the event testing results for any sample indicate the gasoline does not contain the specified type and amount of oxygenate (within the ranges of the applicable test methods), the oxygenate blender shall:
 - i. Immediately stop selling the gasoline which was sampled and take steps to determine and correct the cause of the noncompliance; and
 - ii. Increase the rate of sampling and testing to quarterly, and continue quarterly testing until two consecutive tests indicate the gasoline complies with the applicable standards.
 6. Recordkeeping and records retention.
 - a. An oxygenate blender shall maintain, for five years from the date of each sampling, records of the following:
 - i. Sample date;
 - ii. Identity of blend or product sampled;
 - iii. Container or other vessel sampled;
 - iv. Volume of final blend or shipment;
 - v. Oxygen content as determined under R3-7-759; and
 - vi. Results from all testing.
 - b. The associate director shall deem that Arizona CBG blended by an oxygenate blender and not tested and documented as required by this Section has an oxygen content that does not comply with the standards specified in R3-7-751 unless the oxygenate blender demonstrates to the associate director that the Arizona CBG meets the standards in R3-7-751.
 - c. Within 15 days of the associate director's written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG, the associate director shall deem that the blend or shipment of Arizona CBG violates R3-7-751 unless the oxygenate blender demonstrates to the associate director that the Arizona CBG meets the standards and limits under R3-7-751.
 7. Notification requirement. An oxygenate blender shall notify the associate director by e-mail before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
 8. Quality assurance and quality control ("QA/QC") program. An oxygenate blender that conducts sampling and testing under subsection (E) in the oxygenate blender's own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender's sampling and testing of Arizona CBG or AZRBOB. The oxygenate blender shall submit the QA/QC program to the associate director for approval before transporting Arizona CBG. The associate director shall approve a QA/QC program only if the associate director determines that the QA/QC program ensures that the oxygenate blender's sampling and testing produces data that are complete, accurate, and reproducible. Instead of developing a QA/QC program, an oxygenate blender may comply with the independent testing requirements of R3-7-752(F), except that, for sampling and testing conducted under subsection (E)(3), the minimum number of samples collected and tested by the independent laboratory shall be 10% of the number of samples required to be collected and tested under subsection (E).
 9. An oxygenate blender that does not conduct laboratory sampling and testing required under subsection (E) in its own laboratory shall designate an independent laboratory, as described in R3-7-752(F), to conduct the sampling and testing required under subsection (E)(8).
 10. Within 24 hours of the associate director's or designee's written request, an oxygenate blender shall submit a duplicate of any sample collected under subsection (E)(8).
- F. Downstream AZRBOB or Arizona CBG Recertification.** If a registered supplier has specified blending instructions for oxygenate(s) under R3-7-752 and R3-7-755(A), an oxygenate blender may recertify AZRBOB for a different type or amount of oxygenate. The oxygenate blender is exempt from the requirements to register as a registered supplier and certify the finished Arizona CBG under R3-7-751(C) and (D), and R3-7-752, if the recertifying oxygenate blender:
1. Only recertifies AZRBOB to contain a greater amount of a specified oxygenate (e.g. the oxygenate blender adds 15 volume percent ethanol to a batch certified for the addition of 10 volume percent ethanol) or a different oxygenate at an equal or greater amount (e.g. the oxygenate blender adds 16 volume percent isobutanol to a batch certified for 10 volume percent ethanol);
 2. Issues product transfer documentation that includes the information for the recertified gasoline contained in R3-7-757, unless the recertified gasoline is blended and dispensed at a motor fuel dispensing site or fleet vehicle fueling facility;
 3. Meets the requirements applicable to oxygenate blenders in R3-7-755(E); and
 4. Uses oxygenates meeting the requirements of R3-7-708(B) or (C), or ethanol flex fuel that meets the requirements of R3-7-708(E) to blend with AZRBOB or Arizona CBG.
- G.** Upon request, on a form or in a format prescribed by the associate director, an oxygenate blender shall report to the Division the volume of Arizona CBG recertified, including the types and amounts of oxygenate added. The report shall be submitted to the Division within 15 days of the request.

R3-7-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks

- A. A person shall not combine Arizona CBG supplied from a production or import facility with any nonoxygenate blendstock, other than vapor recovery condensate, unless the resulting gasoline blend meets the requirements in ASTM D4814 and is not used within the CBG-covered area.
- B. Notwithstanding subsection (A), a person may add nonoxygenate blendstock to a previously certified batch or mixture of certified batches of Arizona CBG that does not comply with one or more of the applicable per-gallon standards contained in R3-7-751(A) or (B) if the person obtains prior written approval from the associate director based on a demonstration that adding the blendstock will bring the previously certified Arizona CBG into compliance with the applicable per-gallon standards for Arizona CBG. The oxygenate blender or registered supplier shall certify the re-blended Arizona CBG to the Division, on a form or in a format prescribed by the associate director.

R3-7-757. Product Transfer Documentation; Records Retention

- A. If a person transfers custody or title to Arizona CBG or AZRBOB, other than when Arizona CBG is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following:
1. Volume of Arizona CBG or AZRBOB being transferred;
 2. Location of the Arizona CBG or AZRBOB at the time of transfer;
 3. Date of the transfer;
 4. Product transfer document number;
 5. Identification of the gasoline as Arizona CBG or AZRBOB;
 6. Minimum octane rating of the Arizona CBG or AZRBOB;
 7. For Arizona CBG that contains an oxygenate, a legible and conspicuous statement that the gasoline being transferred contains an oxygenate and lists the type and percentage concentration of the oxygenate;
 8. If the product transferred is AZRBOB for which oxygenate blending is intended:
 - a. Identification of the fuel as AZRBOB and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of oxygenate";
 - b. Oxygenate type or types and amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent of oxygenate and weight percent oxygen content; and
 - c. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for oxygenate type or types and amount or range of amounts; and
 9. The final destination:
 - a. When a terminal is the transferor, the owner or the operator shall include on the product transfer document the terminal name and address and the transporter name and address;
 - b. When a transporter is the transferor, the transporter shall include on the product transfer document the name and address of the transporter and the final destination, which is the location at which the motor fuel will be delivered and off loaded from the truck; and
 - c. When a jobber or marketer is the transferor, the jobber or marketer shall include on the product transfer document the name and address of the jobber or marketer and the final destination, which may be a final distribution facility or a motor fuel dispensing site.
- B. To enable a transferor to comply fully with the requirement in subsection (A)(9), the transferee shall supply to the transferor information regarding the final destination.
- C. A registered supplier, third-party terminal, or pipeline may comply with subsection (A) by using standardized product codes on pipeline tickets if the codes are specified in a manual distributed by the pipeline to transferees of the Arizona CBG or AZRBOB, and the manual includes all required information for the Arizona CBG or AZRBOB.
- D. Any transferee in subsection (A), other than a registered supplier, oxygenate blender, third-party terminal, pipeline, motor fuel dispensing site, or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 24 months before the most recent transfer. The transferee shall maintain product transfer documents for the 30 days before the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 24 months elsewhere.
- E. A motor fuel dispensing site or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG transferred during the 12 months before the most recent transfer. The motor fuel dispensing site or fleet vehicle fueling facility shall maintain product transfer documents for the three most recent transfers on the premises. The motor fuel dispensing site or fleet vehicle fueling facility may maintain the remaining product transfer documents for the preceding 12 months elsewhere.
- F. A registered supplier, oxygenate blender, third-party terminal, or pipeline shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 60 months before the most recent transfer. The transferee shall maintain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 30 days preceding the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 60 months elsewhere.
- G. Upon request by the associate director or designee, a person shall present product transfer documents to the Division within two business days of the request. Legible photocopies or electronic copies of the product transfer documents are acceptable.

R3-7-758. Repealed

R3-7-759. Testing Methodologies

- A. Except as provided in subsection (C), a registered supplier certifying Arizona CBG or AZRBOB as meeting the requirements of this Article shall use one of the EPA- or CARB-approved ASTM methods listed in Table A, a copy of which may be obtained at: ASTM International, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org. A copy of the CARB methods may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812 or www.arb.ca.gov.
- B. An oxygenate blender or third-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG-covered area shall measure the oxygenate content in accordance with the oxygenate blender's or third-party terminal's approved QA/QC program or in accordance with one of the methods listed in Table A.
- C. Rather than using a method listed in Table A to certify Arizona CBG or AZRBOB, a registered supplier may use the CARBOB Model and use the fuel-quality measures calculated using the CARBOB Model for compliance and reporting purposes.
- D. A test method that the Division determines is equivalent to those listed in Table A may be used to certify Arizona CBG or AZRBOB. The Division has determined that test methods approved by either EPA methodology described in 40 CFR 1090.1360 or CARB are equivalent test methods. EPA referee methods from 40 CFR 80.47 as it existed December 31, 2020, may be used if the tested property is not listed in 40 CFR 1090.1360. If a correlation equation is required by EPA, CARB, or the ASTM test method, the correlation equation shall be used to align the test methods, and becomes part of the equivalent test method.

Table A. Arizona Weights and Measures Services Division Test Methods for Arizona CBG and AZRBOB

Fuel Parameter	Units	Approved Test Methods
Aromatics	V%	D1319-20a, D5769-20, D5580-02 (2007)
Benzene	V%	D3606-21, D5580-02 (2007)
Olefins	V%	D1319-20a, D6550-10 (2010)Footnote 1, D8071-21
Oxygenates	W%	D4815-09 (2009), D4815-15b (2019), D5599-18
Vapor Pressure (Correlation Equation)	psi	D5191-20Footnote 2, 13 CCR Section 2297
Sulfur	wppm	D2622-21, D5453-93 (1993)
Distillation T50	°F	D86-99a ¹ , D86-20b
Distillation T90	°F	D86-99a ¹ , D86-20b

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).

R3-7-760. Compliance Surveys

- A. A registered supplier shall conduct surveys for oxygenate blending during the winter and a compliance survey during the summer. The winter survey shall be conducted following the requirements in subsection (A), or using an independent third-party surveyor following the requirements in subsections (B) and (D). The summer survey shall be conducted following the requirements in subsection (C), or using an independent third-party surveyor following the requirements in subsections (C) and (D). Surveys for oxygenate blending during the winter: A registered supplier supplying AZRBOB from a production or import facility shall conduct an oxygenate blending survey program to be carried out at the facilities of each oxygenate blender who blends any AZRBOB produced or imported by the refiner or importer with any oxygenate, to determine whether the Arizona CBG, which has been produced through blending, complies with the applicable standards using the methodology specified in R3-7-759. The sampling and testing program shall be conducted as follows:
1. Samples shall be collected in accordance with ASTM D4057 and be analyzed for oxygenates. All samples shall be collected subsequent to the addition of oxygenate and prior to combining the resulting gasoline with any other gasoline.

2. Sampling and testing shall be at one of the following rates, regardless of the amount of oxygenate added:
 - a. In the case of AZRBOB which is blended with oxygenate in a gasoline storage tank, a rate of not less than one sample for every 400,000 barrels of AZRBOB produced or imported by that refiner or importer that is blended by that oxygenate blender, or one sample every month, whichever is more frequent;
 - b. In the case of AZRBOB which is blended with oxygenate in gasoline delivery trucks through the use of computer-controlled in-line blending equipment, a rate of not less than one sample for every 200,000 barrels of AZRBOB produced or imported by that refiner or importer that is blended by that oxygenate blender, or one sample every three months, whichever is more frequent; or
 - c. In the case of AZRBOB which is blended with oxygenate in gasoline delivery trucks without the use of computer-controlled in-line blending equipment, a rate of not less than one sample for each 50,000 barrels of AZRBOB produced or imported by that refiner or importer which is blended, or one sample per month, whichever is more frequent.
 3. In the event that the test results for any sample indicate the gasoline does not comply with applicable standards, including reproducibility, the refiner or importer shall:
 - a. Immediately take steps to stop the sale of the gasoline that was sampled;
 - b. Take steps which are reasonably calculated to determine and correct the cause of the noncompliance;
 - c. Increase the rate of sampling and testing to double the required frequency outlined in subsection (A)(2); and
 - d. Continue the increased frequency of sampling and testing until the results of ten consecutive samples and tests indicate the gasoline complies with applicable standards, at which time the sampling and testing may be conducted at the original frequency.
 4. This survey program conducted by a registered supplier shall be conducted in addition to any survey requirements carried out under this subsection by other registered suppliers.
- B.** Instead of conducting the oxygenate blending survey program in subsection (A), the registered supplier may use an independent third-party surveyor to conduct a winter oxygenate blending survey that meets the following requirements:
1. Designed and conducted by an independent third-party surveyor that meets the requirements of subsection (D)(2)(a);
 2. Conducted November 1 through March 31 on all samples collected under the program design approved by the associate director under subsection (D);
 3. Involves sampling and testing that is representative of all Arizona CBG dispensed in the CBG-covered area, including a representative number of E15 samples;
 4. Analyzes each sample for oxygenate according to the methodologies specified in R3-7-759;
 5. Collects samples of gasoline produced at blender pumps using "Method #1" of the E15 Sampling Procedure specified in Handbook 158;
 6. Verifies compliance of E15 labeling requirements at gasoline retail outlets that offer E15 for sale; and
 7. Includes a sufficient amount of samples to ensure that the average levels of oxygen is determined at a 95% confidence level with an error of 0.1% or less for oxygen by weight.
- C.** Summer Compliance Surveys. A registered supplier shall ensure that compliance surveys are conducted in accordance with a compliance survey program plan approved by the associate director. A registered supplier may use an independent third-party surveyor as outlined in subsection (D) to conduct a summer compliance survey. The associate director shall approve a compliance survey program plan if the plan:
1. Consists of at least four VOC and NO_x surveys conducted at least once per month between June 1 and September 30 of each year;
 2. Consists of all samples that are collected under an approved survey program plan during any consecutive seven days;
 3. Is representative of all Arizona CBG being dispensed in the CBG-covered area including a representative number of E15 samples;
 4. Includes enough samples to ensure that the average levels of oxygen, vapor pressure, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined at a 95% confidence level with an error of:
 - a. 0.1% or less for oxygen by weight;
 - b. 0.1 psi for vapor pressure;
 - c. 0.5% for aromatic hydrocarbons by volume;
 - d. 0.5% for olefins by volume;
 - e. 5° F for T50 and T90; and
 - f. 10 ppm for sulfur.
 5. Analyzes each sample included in the compliance survey for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and vapor pressure according to the test methods in R3-7-759 (vapor pressure is required to be analyzed only from June 1 through September 30); and
 6. If a laboratory analyzes the compliance survey samples, the laboratory participates in a correlation program approved by the associate director to ensure the validity of analysis results.
 7. For each compliance survey sample, determine the VOC and NO_x emissions reduction percentage based upon the tested fuel properties for that sample using the methodology for calculating VOC and NO_x emissions reductions under the Federal Complex Model.
- D.** An independent third-party surveyor may conduct the winter oxygenate blending survey outlined in subsection (B) and the summer compliance survey outlined in subsection (C), if the survey program:
1. Is approved by the associate director;
 2. Is designed and conducted by a third-party surveyor that is independent of the registered supplier. To be considered independent:
 - a. The surveyor shall not be an employee of any registered supplier;

- b. The surveyor shall not have an obligation to, or interest in, any registered supplier; and
 - c. The registered supplier shall not have an obligation to or interest in the surveyor.
- 3. Requires that the surveyor not provide advance notice, except as provided in subsection (D)(8), of the date or location of any survey sampling;
- 4. Provides a duplicate of any sample taken during the survey to the associate director, upon request of the associate director within 30 days following submission of the survey report required under subsection (D)(7), including:
 - a. Information regarding the name and address of the facility from where the sample was collected, and
 - b. The date of collection;
- 5. Requires that the surveyor permit a Division official to monitor sample collection, transportation, storage, and analysis at any time;
- 6. Requires the laboratory to participate in a correlation program approved by the associate director to ensure the validity of analysis results;
- 7. Requires the surveyor to submit a report of each survey to the associate director within 30 days after sampling is completed, including the following information:
 - a. Name of the person conducting the survey;
 - b. Attestation by an officer of the surveyor that the sampling and testing was conducted according to the compliance survey program plan and the results are accurate;
 - c. Identification of the registered supplier for whom the compliance survey was conducted if the compliance survey was conducted for only one registered supplier;
 - d. Identification of the area from which survey samples were selected;
 - e. Dates on which the survey was conducted;
 - f. Address of each facility at which a sample was collected, and the date of collection;
 - g. Name and address of each laboratory at which samples were analyzed;
 - h. Description of the method used to select the facilities from which a sample was collected;
 - i. Number of samples collected from each facility;
 - j. Justification for excluding a collected sample from the survey, if one was excluded; and
 - k. For a survey conducted under subsection (A), analyzes each sample for oxygenate according to the methodologies specified in R3-7-759; or
 - l. For a survey conducted under subsection (C), results of the sample analysis for oxygenate type, oxygen weight percent, aromatic hydrocarbons, olefin content, E200, E300, vapor pressure, and the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (C)(1);
- 8. Begins each survey on a date selected by the associate director, or as approved in the survey program. The associate director shall notify the surveyor of the date selected at least 10 days before the survey is to begin.
- E. To obtain the associate director's approval of a survey program plan, the person seeking approval shall:
 - 1. Submit the plan to the associate director no later than January 1 to cover the survey period of November 1 through March 31 or June 1 through September 15 of each year, as applicable; and
 - 2. Have the plan signed by a corporate officer of the registered supplier or by an officer of the independent third-party surveyor.
- F. If the associate director determines that a sample used in a compliance survey does not comply with R3-7-751 or another requirement under this Article, the associate director may take enforcement action against the registered supplier, oxygenate blender, and/or retail location.
- G. If a registered supplier fails to ensure that an approved compliance survey program is conducted, the associate director may consider all batches delivered into the CBG-covered area during the survey period as non-compliant.
- H. No later than April 1 of each year, a registered supplier that intends to meet the requirements in subsections (A) and (C) by contracting with an independent third-party surveyor to conduct the compliance survey plan for the next summer and winter season shall enter into the contract and pay all of the money necessary to conduct the compliance survey plan. The registered supplier may pay the money necessary to conduct the compliance survey plan to the independent third-party surveyor or to an escrow account with instructions to the escrow agent to release the money to the independent third-party surveyor as the compliance survey plan is implemented. No later than April 15, the registered supplier shall submit to the associate director a copy of the contract with the independent third-party surveyor, proof that the money necessary to conduct the compliance survey plan has been paid, and, if applicable, a copy of the escrow agreement.
- I. A registered supplier is exempt from the survey requirements of this section if they supply less than 1,000,000 gallons of Arizona CBG or AZRBOB within a calendar year.

R3-7-761. Liability for Noncompliant Arizona CBG or AZRBOB

- A. Persons liable. If motor fuel designated as Arizona CBG or AZRBOB does not comply with R3-7-751, the following are liable for the violation:
 - 1. Each person who owns, leases, operates, controls, or supervises a facility where the noncompliant Arizona CBG or AZRBOB is found;
 - 2. Each registered supplier whose corporate, trade, or brand name, or whose marketing subsidiary's corporate, trade, or brand name, appears at a facility where the noncompliant Arizona CBG or AZRBOB is found; and
 - 3. Each person who manufactured, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline in a storage tank containing Arizona CBG or AZRBOB found to be noncompliant.
- B. Defenses.

1. A person who is otherwise liable under subsection (A) is not liable if that person demonstrates:
 - a. That the violation was not caused by the person or person's employee or agent;
 - b. That product transfer documents account for all of the noncompliant Arizona CBG or AZRBOB and indicate that the Arizona CBG or AZRBOB complied with this Article; and
 - c. That the person had a quality assurance sampling and testing program, as described in subsection (C) in effect at the time of the violation; except that any person who transfers Arizona CBG or AZRBOB, but does not assume title, may rely on the quality assurance program carried out by another person, including the person who owns the noncompliant Arizona CBG or AZRBOB, provided the quality assurance program is properly administered.
 2. If a violation is found at a facility that operates under the corporate, trade, or brand name of a registered supplier, that registered supplier must show, in addition to the defense elements in subsection (B)(1), that the violation was caused by:
 - a. A violation of law other than A.R.S. Title 3, Chapter 19, Article 6, this Article, or an act of sabotage or vandalism;
 - b. A violation of a contract obligation imposed by the registered supplier designed to prevent noncompliance, despite periodic compliance sampling and testing by the registered supplier; or
 - c. The action of any person having custody of Arizona CBG or AZRBOB not subject to a contract with the registered supplier but engaged by the registered supplier for transportation of Arizona CBG or AZRBOB, despite specification or inspection of procedures and equipment by the registered supplier designed to prevent violations.
 3. To show that the violation was caused by any of the actions in subsection (B)(2), the person must demonstrate by a preponderance of the evidence, that the violation was caused or must have been caused by another person.
- C. Quality assurance sampling and testing program.** To demonstrate an acceptable quality assurance program for Arizona CBG or AZRBOB, at all points in the gasoline distribution network, other than at a motor fuel dispensing site or fleet vehicle fueling facility, a person shall present evidence:
1. Of a periodic sampling and testing program to determine compliance with the maximum or minimum standards in R3-7-751; and
 2. That each time Arizona CBG or AZRBOB is noncompliant with one of the requirements in R3-7-751:
 - a. The person immediately ceases selling, offering for sale, dispensing, supplying, offering for supply, storing, transporting, or causing the transportation of the noncompliant Arizona CBG or AZRBOB; and
 - b. The person remedies the violation as soon as practicable.

R3-7-762. Penalties

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

1. Prosecution for a Class 2 misdemeanor under A.R.S. § 3-3473(B)(4);
2. Civil penalties under A.R.S. §§ 3-3473 and 3-3475; and
3. Stop-use, stop-sale, hold, and removal orders under A.R.S. § 3-3415(A)(2).

Table 1.	Repealed
Table 2.	Repealed
Table 3.	Repealed

ARTICLE 9. REPEALED

R3-7-901.	Repealed
R3-7-902.	Repealed
R3-7-903.	Repealed
R3-7-904.	Repealed
R3-7-905.	Repealed
R3-7-906.	Repealed
R3-7-907.	Repealed
R3-7-908.	Repealed
R3-7-909.	Repealed
R3-7-910.	Repealed
R3-7-911.	Repealed
R3-7-912.	Repealed
R3-7-913.	Repealed

ARTICLE 10. STAGE I VAPOR RECOVERY

R3-7-1001. Material Incorporated by Reference

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

1. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815 (herein referred to as "CARB TP-201.1B").
2. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815 (herein referred to as "CARB TP-201.1E").
3. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815 (herein referred to as "CARB TP-201.3").
4. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815 (herein referred to as "CARB TP-201.3C").

R3-7-1002. Exemptions

An owner or operator of a gasoline dispensing site with a gasoline throughput that does not exceed that specified in A.R.S. § 3-3512(B) may file for an exemption from this Article. To obtain an exemption, the owner or operator of the gasoline dispensing site shall submit an annual throughput report to the Division, using a form prescribed by the Division, no later than March 30 of each year and attest to the throughput during each month of the previous calendar year. If the owner or operator fails to file an annual throughput report timely or if the annual throughput report indicates the exemption limit specified in A.R.S. § 3-3512(B) was exceeded, the Division shall deem the exemption void.

R3-7-1003. Equipment and Installation

- A. The Division shall reject a stage I vapor recovery system or component from future installation if:
 1. Federal regulations prohibit its use;
 2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R3-7-1001; or
 3. The vapor recovery system or component fails greater than 20% of Division inspections for that system or component or the Division receives equivalent failure results from a vapor recovery registered service agency, as defined and regulated by Article 6, or from another jurisdiction's vapor recovery program, and the Division provides at least 30 days public notice of its proposed rejection.
- B. The piping of a stage I vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I vapor recovery system or component from the CARB-certified configuration without obtaining Division approval under R3-7-1004. All components installed with the stage I vapor recovery system shall be certified by CARB or approved by the Division as required under A.R.S. § 3-3512.
- C. If Division inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- D. A stage I liquid or vapor spill containment bucket may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid.
- E. A stage I vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

R3-7-1004. Application Requirements and Process for Authority to Construct Plan Approval

- A. A person shall not begin to construct a stage I vapor recovery system or to make a modification of an existing stage I vapor recovery system before applying for and obtaining an Authority to Construct permit. A modification is:
 1. Adding or replacing a gasoline storage tank that is equipped with a stage I vapor recovery system;
 2. Modifying, adding, or replacing vent piping; or
 3. Conducting construction at the tank top that exposes stage I or stage II vapor recovery piping.
- B. A person shall file with the Division a written change order, using a form provided by the Division, to obtain a modification of the approved vapor recovery system or component if a modification is needed after the Division issues an Authority to Construct permit. The person shall not make any modification until the Division approves the change order.
- C. To obtain an Authority to Construct permit, a person shall submit to the Division, on a form provided by the Division, the following:
 1. The name, address, and telephone number of any owner, operator, and proposed contractor, if known;
 2. The name of the stage I vapor recovery system or component to be installed along with the CARB certification for that system or component;
 3. The street address of the site where construction or modification will take place with an estimated timetable for construction or modification;
 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all stage I vapor recovery equipment and stage I vapor recovery piping detail; and
 5. The application fee specified under R3-7-1006.
- D. A person shall ensure that an installed or modified stage I vapor recovery system meets the following requirements:
 1. Has CARB-certified product and vapor adaptors that prevent loosening or over-tightening of the stage I product and vapor adaptors;
 2. Consists of a two-point stage I system with separate fill and vapor connection points. Coaxial stage I vapor recovery systems shall not be used;

3. Has a submerged fill pipe that has the fill pipe's highest point of discharge no more than six inches from the tank bottom;
4. Has no tank containing motor fuel other than gasoline connected to the vapor piping;
5. Has vapor piping with a minimum 1/8 inch slope per foot from the vent riser to the tank;
6. Uses cement that is resistant to deterioration from exposure to water, hydrocarbons, and alcohol to join all pipes;
7. Has tank vent pipes that extend at least 12 feet above the elevation of the stage I fill points;
8. Has tank vent pipes with a minimum inside diameter of:
 - a. Two inches if the pipe is not manifolded, or
 - b. Three inches from the point of manifold for a single vent line;
9. Has pressure vacuum vent valves that are attached to the tank vent pipes by a threaded connection;
10. If a gasoline tank is installed in an enclosed vault, has an emergency vent in addition to the pressure vacuum vent valve required under subsection (D)(9);
11. Has risers into gasoline storage tanks that are covered with caps approved by Underwriters Laboratories;
12. Has lead wires for instrumentation that pass through a leak-tight grommet with a compression fitting suitable for exposure to gasoline vapors;
13. Has storage tank vent pipes and fill and vapor manhole tops that are painted a color that minimizes solar gain and has a Light Reflectance Value ("LRV") of at least 55%, according to the following principles:
 - a. Reflectivity shall be determined by visually comparing the paint with paint-color cards obtained from a paint manufacturer that uses either the Master Palette system to specify the paint color (e.g. 58YY 88/180, where "88" represents the paint reflectivity percentage), or notes the LRV for a specific color;
 - b. Examples of colors have a LRV of at least 55% include, but are not limited to, yellow, light gray, aluminum, tan, red iron oxide, cream or pale blue, light green, glossy gray, light blue, light pink, light cream, white, silver, beige, tin plate, and mirrored finish;
 - c. A manhole cover that is color coded for product identification is exempt from this subsection; and
14. Complies with other requirements outlined in the Authority to Construct permit.
- E.** After review and approval of the Authority to Construct application, the Division shall issue the Authority to Construct permit and mail or e-mail the permit to the address indicated on the application.
 1. A copy of the Authority to Construct permit shall be maintained at the facility during construction so that it is accessible for Division review.
 2. Construction of a stage I vapor recovery system or component at a site not having an Authority to Construct permit, shall be stopped and no further installation work done until an Authority to Construct permit is obtained.
 3. An Authority to Construct permit is not transferable.
- F.** The Division shall deny an Authority to Construct application for any of the following reasons:
 1. Providing incomplete, false, or misleading information; or
 2. Failing to meet the requirements stated in this Chapter.
- G.** If excavation is involved, the Division may visually inspect the stage I underground piping of a gasoline dispensing site before the piping is buried for compliance with the Authority to Construct permit. The owner or operator of a vapor recovery system or component shall give the Division notice by e-mail at least two business days before the underground piping is complete to schedule the inspection. The Division may require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.
- H.** After construction is complete, a person who has a valid Authority to Construct permit may dispense gasoline for up to 90 days before final approval if an initial inspection is scheduled according to R3-7-1005.
- I.** An Authority to Construct permit expires one year from the date of issue or when a gasoline dispensing site is placed into service following installation or modification of an approved vapor recovery system, whichever is sooner.

R3-7-1005. Initial Inspection and Testing

- A.** Within 10 days after beginning the dispensing of gasoline at a site that requires an Authority to Construct permit, a person shall provide the Division with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the Authority to Construct permit and this subsection. The inspection shall be witnessed by the Division at a time approved by the Division and include the following tests:
 1. A pressure decay test for each vapor control system including underground storage tanks and tank vents using CARB TP-201.3 test procedures, as follows:
 - a. All test procedures pertaining to stage I vapor recovery systems shall be followed except the post-test procedures in section 8 and the calculations in section 9 of the CARB TP-201.3 test procedures;
 - b. The compliance status of the site shall be determined by comparing the final five-minute pressure with the minimum allowable final pressure in Table 1; and
 - c. A calculated ullage exceeding that listed in Table 1 shall be rounded up to the next higher ullage volume in the table;
 2. A test of each pressure vacuum vent valve using CARB TP-201.1E test procedures;
 3. A Tie-Tank test using CARB TP-201.3C test procedure;
 4. A Static Torque test for each rotatable stage I adaptor using CARB TP-201.1B test procedures; and
 5. Procedures specified by a manufacturer or CARB for testing the vapor recovery system.
- B.** If there is a difference between a testing contractor's test results and the Division's test results, the Division's test results prevail.
- C.** If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out of service until the vapor recovery system and component pass all the appropriate tests in subsection (A).

- D. A person who cancels an initial inspection shall notify the Division by calling the Division's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Division shall take enforcement action if a person fails to comply with this Section.
- E. A person shall notify the Division when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Division approves the reinspection date and time.
- F. If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Division shall fail the initial inspection of that site.
- G. If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
 - 1. The Division shall take enforcement action if the person fails to timely reschedule the inspection.
 - 2. The registered service agency shall notify the Division in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
 - 3. The Division shall notify the registered service agency within five business days, by e-mail, whether it approves the inspection date and time.

R3-7-1006. Fee

The Authority to Construct permit fee is \$250.

R3-7-1007. Operation

- A. The owner or operator of a gasoline dispensing site with stage I vapor recovery shall not transfer or permit the transfer of gasoline into any gasoline storage tank subject to this Article unless stage I vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 3, Chapter 19, Article 7, and this Article.
- B. The owner or operator of a gasoline dispensing site with stage I vapor recovery shall operate the stage I vapor recovery system and associated components in compliance with the CARB certification or Division approval under A.R.S. § 3-3512 for that system and these rules.
- C. The owner or operator of a gasoline dispensing site with stage I vapor recovery located in area A shall inspect the system and its components at least once every seven days. The inspections shall include all stage I fittings and spill containment.
- D. The owner or operator of a gasoline dispensing site shall immediately stop using a stage I vapor recovery system or component if one or more of the following system or component defects occur:
 - 1. Tank vent pipes are not the proper height or are not properly capped with approved pressure and vacuum vent valves;
 - 2. Vent pipes do not meet the CARB-specified paint color code specified in R3-7-1004(D)(13);
 - 3. The stage I vapor recovery system is not properly installed or maintained as evidenced by the following:
 - a. Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal;
 - b. A fill adaptor collar or vapor poppet (drybreak) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, not securely attached, or missing gaskets;
 - c. Coaxial stage I is not equipped with a functioning CARB-approved poppeted fill tube or the coaxial cap is not installed or is missing, broken, not securely attached, or missing gaskets; or
 - d. A fill tube is missing, broken, or not sealed; has holes or damaged overfill prevention; or the high point of the bottom opening is more than six inches above the tank bottom;
 - 4. The tank rise cap with instrument lead wire for an electronic monitoring system is not installed tightly or any other tank riser is not sealed and capped securely;
 - 5. An above-ground storage tank does not display a permanently attached UL approval plaque; or
 - 6. Any other component identified in the diagrams, exhibits, attachments, or other documents and certified by CARB or required by the Authority to Construct permit for that system is missing, disconnected, or malfunctioning.
- E. For proper operation of a stage I vapor recovery system or component under A.R.S. § 3-3512(C)(4), the owner or operator of a gasoline dispensing site shall recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- F. The owner or operator of a gasoline dispensing site shall ensure that any underground tightness test is conducted in a manner that prevents gasoline vapors being emitted to the atmosphere.

R3-7-1008. Training and Public Education

Each owner or operator of a gasoline dispensing site using a stage I vapor recovery system or component shall obtain adequate training and written instructions to enable the system to be installed, operated, and maintained properly in accordance with the manufacturer's specifications and CARB certification. The owner or operator shall maintain documentation of this training onsite and make the documentation available to the Division within two business days of a request.

R3-7-1009. Recordkeeping and Reporting

- A. The owner or operator of a gasoline dispensing site employing a stage I vapor recovery system or component in area A shall maintain records of the inspections done under R3-7-1007.
- B. The owner or operator of a gasoline dispensing site employing a stage I vapor recovery system or component in area A shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage I equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 3-3512(B) from requirements to install and operate a stage I vapor recovery system or component shall maintain a log at the site showing monthly throughputs. The owner or operator shall make the log available to the Division within two business days after request. The owner or operator shall submit to the Division

the throughput information required under R3-7-1002(B). If any throughput requirement provided in A.R.S. § 3-3512(B) and this Article is exceeded for any month, the owner or operator shall notify the Division in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage I vapor recovery system or component conforming to this Article. If a stage I vapor recovery system is already installed, the owner or operator shall have the system tested under R3-7-1010 within 30 days after the end of the month in which the throughput was exceeded.

- D. The owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Division upon request.

R3-7-1010. Annual Testing and Inspection

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Division in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Division shall notify the registered service agency within five business days, by e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Division approves the inspection date and time.
- B. The annual inspection shall include the tests defined in R3-7-1005(A)(1) through (4) that pertain to the specific vapor recovery system installed.
- C. To verify proper operation of a vapor recovery system, the Division may perform or may require registered service representatives to perform additional tests under R3-7-1005(A)(5) during the annual inspection and testing. The Division shall provide registered service agencies with six months' notice before requiring additional annual testing under R3-7-1005(A)(5).
- D. If there is a difference between a testing contractor's test results and the Division's test results, the Division's test results prevail.
- E. If a site fails to pass any of the tests required under subsection (B), the affected vapor recovery system or component shall remain out of service until the vapor recovery system and component pass all tests required under subsection (B).
- F. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- G. A person shall notify the Division when a stage I vapor recovery system or component is repaired after failing an annual inspection. A registered service representative shall not conduct a reinspection until the Division approves the reinspection date and time.
- H. A registered service representative shall perform all tests according to this Article and any other vapor recovery procedure the Division issues to registered service agencies.
- I. A person that cancels an annual inspection shall notify the Division by calling the Division's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Division in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Division shall notify the registered service agency within five business days, by e-mail, of its approval of the inspection date and time. The Division shall take enforcement action if a person does not comply with this subsection.
- J. Gasoline dispensing sites located in area B are exempt from the annual inspection and testing requirements of this Section.

R3-7-1011. Compliance Inspections and Additional Test Methods

The Division shall not announce when it plans to conduct a compliance inspection of a stage I vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 3, Chapter 19, or this Article, the Division shall require the vapor recovery system or component to undergo an appropriate test as specified in R3-7-1010.

R3-7-1012. Enforcement

If the Division finds that a stage I vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 3, Chapter 19, the Division shall issue to the owner or operator an administrative order and place a Stop-Sale, Stop-Use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage I vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 3, Chapter 19 and this Chapter before the vapor recovery system or component is placed in service.

R3-7-1013. Stage II Vapor Recovery

If the Division identifies a gasoline dispensing site operating a stage II vapor recovery system within an ozone nonattainment area designated as moderate, serious, severe, or extreme by the EPA under section 107(d) of the Clean Air Act or in area A after September 30, 2018, the Division shall issue an administrative order to require that the stage II vapor recovery system be decommissioned within three months after identification, and may impose a civil penalty under A.R.S. §§ 3-3473 and 3-3475.

Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-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
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