

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SENATE BILL 1455

AN ACT

AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 104, SECTION 2; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 104, SECTION 1; AMENDING LAWS 2004, CHAPTER 293, SECTION 5; AMENDING LAWS 2005, CHAPTER 104, SECTION 7; RELATING TO LOW SULFUR DIESEL FUEL; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2083, Arizona Revised Statutes, as amended by  
3 Laws 2002, chapter 104, section 2, is amended to read:

4 41-2083. Standards for motor fuel; exceptions

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

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

15 C. After consultation with the director of the department of  
16 environmental quality, the standards and test methods for motor fuels shall  
17 be established by the director of the department of weights and measures by  
18 rule.

19 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
20 person and that is intended as a final product for the fueling of motor  
21 vehicles in a county with a population of one million two hundred thousand or  
22 more persons and any portion of a county contained in area A as defined in  
23 section 49-541 shall be 9.0 pounds per square inch from and after September  
24 30 through March 31 of each year. Fuel used in motor vehicles at a  
25 manufacturer's proving ground or a motor vehicle racing event as defined by  
26 section 41-2121 is exempt from this subsection.

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

31 F. Maximum vapor pressure for gasoline that is supplied or sold by any  
32 person and that is intended as a final product for the fueling of motor  
33 vehicles in a county with a population of one million two hundred thousand  
34 persons or more and any portion of a county contained in area A as defined in  
35 section 49-541 shall be 7.0 pounds per square inch from and after May 31  
36 through September 30 of each year. Fuel used in motor vehicles at a  
37 manufacturer's proving ground or a motor vehicle racing event as defined by  
38 section 41-2121 is exempt from this subsection.

39 G. Exclusively for the purposes of transportation conformity and only  
40 if the administrator of the United States environmental protection agency  
41 fails to approve the applicable plan required pursuant to section 49-406,  
42 maximum vapor pressure for gasoline that is supplied or sold by any person  
43 and that is intended as a final product for the fueling of motor vehicles in  
44 area B as defined in section 49-541 shall be ten pounds per square inch from  
45 and after September 30 through March 31 of each year. Fuel used in motor

1 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
2 as defined by section 41-2121 is exempt from this subsection.

3 H. Notwithstanding subsections D, F and G of this section, the  
4 director of the department of weights and measures in consultation with the  
5 director of the department of environmental quality shall approve alternate  
6 fuel control measures that are submitted by manufacturers or suppliers of  
7 gasoline and that the directors determine will result in either of the  
8 following:

9 1. Motor vehicle carbon monoxide emissions that are equal to or less  
10 than emissions that result under compliance with subsection D of this section  
11 and section 41-2123. In making this determination, the director of the  
12 department of weights and measures and the director of the department of  
13 environmental quality shall compare the emissions of the alternate fuel  
14 control measure with the emissions of a fuel with a maximum vapor pressure  
15 standard as prescribed by this section and with the minimum oxygen content or  
16 percentage by volume of ethanol as prescribed by section 41-2123.

17 2. Motor vehicle non-methane hydrocarbon emissions that are equal to  
18 or less than the emissions that result under compliance with subsection F of  
19 this section. In making this determination, the director of the department  
20 of weights and measures and the director of the department of environmental  
21 quality shall compare the motor vehicle non-methane hydrocarbon emissions of  
22 the alternate fuel control measure with the motor vehicle non-methane  
23 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure  
24 standard as prescribed by subsection F of this section.

25 I. Any alternate fuel control measures that are approved shall not  
26 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
27 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
28 subsection H of this section and this subsection may be used by any  
29 manufacturer or supplier of gasoline unless the approval is rescinded more  
30 than one hundred eighty days before the first day of a gasoline control  
31 period. Manufacturers and suppliers who use an approved alternate fuel  
32 control measure shall annually submit a compliance plan to the director of  
33 the department of weights and measures no later than sixty days before the  
34 first day of a gasoline control period.

35 J. A person shall not sell or offer or expose for sale diesel fuel  
36 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

37 1. FOR LOW SULFUR DIESEL FUEL, five hundred parts per million BY  
38 WEIGHT for use in area A as defined in section 49-541.

39 2. FOR ULTRA LOW SULFUR DIESEL FUEL, THE AMOUNT THAT CONFORMS WITH 40  
40 CODE OF FEDERAL REGULATIONS SECTION 80.520(a)(1).

41 K. A person shall not sell or offer or expose for sale biodiesel that  
42 is not tested or does not meet the specifications established by ASTM D6751  
43 or any blend of biodiesel and diesel fuel that is not tested or does not meet  
44 the specifications established by ASTM D975 and that contains sulfur in

1 excess of five hundred parts per million for use in area A as defined in  
2 section 49-541.

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

8 1. The percentage of biodiesel in a final blend.

9 2. The volume of the finished product.

10 3. For neat biodiesel, the results of analysis for those parameters  
11 established by ASTM D6751.

12 4. For biodiesel blended with any diesel fuel, the results of the  
13 analysis of the following motor fuel parameters as established by ASTM D975:

14 (a) Sulfur content.

15 (b) Aromatic hydrocarbon content.

16 (c) Cetane number.

17 (d) Specific gravity.

18 (e) American petroleum institute gravity.

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

21 M. The report required by subsection L of this section shall be on a  
22 form prescribed by the director and shall contain a certification of  
23 truthfulness and accuracy of the data submitted and a statement of the  
24 supplier's consent permitting the department or its authorized agent to  
25 collect samples and access records as provided in rules adopted by the  
26 department. A corporate officer who is responsible for operations at the  
27 facility that produces or ships the final product shall sign the report.

28 N. A person shall label dispensers at which biodiesel is dispensed in  
29 such a manner as to notify other persons of the volume percentage of  
30 biodiesel in the finished product AND THAT CONFORMS WITH 40 CODE OF FEDERAL  
31 REGULATIONS SECTIONS 80.570, 80.571, 80.572, 80.573 AND 80.574 TO INFORM THE  
32 CUSTOMER OF THE SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED.

33 O. A PERSON SHALL LABEL EACH DISPENSER AT WHICH ULTRA LOW SULFUR  
34 DIESEL FUEL IS DISPENSED IN A MANNER THAT CONFORMS WITH 40 CODE OF FEDERAL  
35 REGULATIONS SECTIONS 80.570, 80.571, 80.572, 80.573 AND 80.574 TO INFORM THE  
36 CUSTOMER OF THE SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED.

37 P. A PERSON SHALL LABEL EACH DISPENSER AT WHICH LOW SULFUR DIESEL FUEL  
38 IS DISPENSED IN A MANNER THAT CONFORMS WITH 40 CODE OF FEDERAL REGULATIONS  
39 SECTIONS 80.570, 80.571, 80.572, 80.573 AND 80.574 TO INFORM THE CUSTOMER OF  
40 THE SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED.

41 Q. IF ANY PERSON TRANSFERS CUSTODY OR TITLE OF A DIESEL FUEL OR  
42 DISTILLATE, EXCEPT IF THE DIESEL FUEL IS DISPENSED INTO A MOTOR VEHICLE OR  
43 NONROAD, LOCOMOTIVE OR MARINE EQUIPMENT, THE TRANSFEROR SHALL PROVIDE TO THE  
44 TRANSFEREE PRODUCT TRANSFER DOCUMENTS THAT CONFORM WITH 40 CODE OF FEDERAL  
45 REGULATIONS SECTION 80.590.

1 R. IF THE TRANSFER OF A MOTOR FUEL IS FROM A TERMINAL, STORAGE  
2 FACILITY, OR TRANSMIX FACILITY, THE PRODUCT TRANSFER DOCUMENTS SHALL CONTAIN  
3 THE INFORMATION PRESCRIBED IN SUBSECTION Q OF THIS SECTION AS WELL AS THE  
4 NAME AND ADDRESS OF THE FINAL DESTINATION FOR THE SHIPMENT, AS PRESCRIBED BY  
5 DEPARTMENT RULE, AND MUST ACCOMPANY THE SHIPMENT TO ITS FINAL DESTINATION.

6 Sec. 2. Section 41-2083, Arizona Revised Statutes, as amended by Laws  
7 2005, chapter 104, section 1, is amended to read:

8 41-2083. Standards for motor fuel; exceptions

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

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

19 C. After consultation with the director of the department of  
20 environmental quality, the standards and test methods for motor fuels shall  
21 be established by the director of the department of weights and measures by  
22 rule.

23 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
24 person and that is intended as a final product for the fueling of motor  
25 vehicles in a county with a population of one million two hundred thousand or  
26 more persons and any portion of a county contained in area A as defined in  
27 section 49-541 shall be 9.0 pounds per square inch from and after September  
28 30 through January 31 of each year. Fuel used in motor vehicles at a  
29 manufacturer's proving ground or a motor vehicle racing event as defined by  
30 section 41-2121 is exempt from this subsection.

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

35 F. Maximum vapor pressure for gasoline that is supplied or sold by any  
36 person and that is intended as a final product for the fueling of motor  
37 vehicles in a county with a population of one million two hundred thousand  
38 persons or more and any portion of a county contained in area A as defined in  
39 section 49-541 shall be 7.0 pounds per square inch from and after May 31  
40 through September 30 of each year. Fuel used in motor vehicles at a  
41 manufacturer's proving ground or a motor vehicle racing event as defined by  
42 section 41-2121 is exempt from this subsection.

43 G. Exclusively for the purposes of transportation conformity and only  
44 if the administrator of the United States environmental protection agency  
45 fails to approve the applicable plan required pursuant to section 49-406,

1 maximum vapor pressure for gasoline that is supplied or sold by any person  
2 and that is intended as a final product for the fueling of motor vehicles in  
3 area B as defined in section 49-541 shall be ten pounds per square inch from  
4 and after September 30 through March 31 of each year. Fuel used in motor  
5 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
6 as defined by section 41-2121 is exempt from this subsection.

7 H. Notwithstanding subsections D, F and G of this section, the  
8 director of the department of weights and measures in consultation with the  
9 director of the department of environmental quality shall approve alternate  
10 fuel control measures that are submitted by manufacturers or suppliers of  
11 gasoline and that the directors determine will result in either of the  
12 following:

13 1. Motor vehicle carbon monoxide emissions that are equal to or less  
14 than emissions that result under compliance with subsection D of this section  
15 and section 41-2123. In making this determination, the director of the  
16 department of weights and measures and the director of the department of  
17 environmental quality shall compare the emissions of the alternate fuel  
18 control measure with the emissions of a fuel with a maximum vapor pressure  
19 standard as prescribed by this section and with the minimum oxygen content or  
20 percentage by volume of ethanol as prescribed by section 41-2123.

21 2. Motor vehicle non-methane hydrocarbon emissions that are equal to  
22 or less than the emissions that result under compliance with subsection F of  
23 this section. In making this determination, the director of the department  
24 of weights and measures and the director of the department of environmental  
25 quality shall compare the motor vehicle non-methane hydrocarbon emissions of  
26 the alternate fuel control measure with the motor vehicle non-methane  
27 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure  
28 standard as prescribed by subsection F of this section.

29 I. Any alternate fuel control measures that are approved shall not  
30 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
31 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
32 subsection H of this section and this subsection may be used by any  
33 manufacturer or supplier of gasoline unless the approval is rescinded more  
34 than one hundred eighty days before the first day of a gasoline control  
35 period. Manufacturers and suppliers who use an approved alternate fuel  
36 control measure shall annually submit a compliance plan to the director of  
37 the department of weights and measures no later than sixty days before the  
38 first day of a gasoline control period.

39 J. A person shall not sell or offer or expose for sale diesel fuel  
40 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

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42 WEIGHT for use in area A as defined in section 49-541.

43 2. FOR ULTRA LOW SULFUR DIESEL FUEL, THE AMOUNT THAT CONFORMS WITH 40  
44 CODE OF FEDERAL REGULATIONS SECTION 80.520(a)(1).

1 K. A person shall not sell or offer or expose for sale biodiesel that  
2 is not tested or does not meet the specifications established by ASTM D6751  
3 or any blend of biodiesel and diesel fuel that is not tested or does not meet  
4 the specifications established by ASTM D975 and that contains sulfur in  
5 excess of five hundred parts per million for use in area A as defined in  
6 section 49-541.

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

12 1. The percentage of biodiesel in a final blend.

13 2. The volume of the finished product.

14 3. For neat biodiesel, the results of analysis for those parameters  
15 established by ASTM D6751.

16 4. For biodiesel blended with any diesel fuel, the results of the  
17 analysis of the following motor fuel parameters as established by ASTM D975:

18 (a) Sulfur content.

19 (b) Aromatic hydrocarbon content.

20 (c) Cetane number.

21 (d) Specific gravity.

22 (e) American petroleum institute gravity.

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

25 M. The report required by subsection L of this section shall be on a  
26 form prescribed by the director and shall contain a certification of  
27 truthfulness and accuracy of the data submitted and a statement of the  
28 supplier's consent permitting the department or its authorized agent to  
29 collect samples and access records as provided in rules adopted by the  
30 department. A corporate officer who is responsible for operations at the  
31 facility that produces or ships the final product shall sign the report.

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33 such a manner as to notify other persons of the volume percentage of  
34 biodiesel in the finished product AND THAT CONFORMS WITH 40 CODE OF FEDERAL  
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40 CUSTOMER OF THE SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED.

41 P. A PERSON SHALL LABEL EACH DISPENSER AT WHICH LOW SULFUR DIESEL FUEL  
42 IS DISPENSED IN A MANNER THAT CONFORMS WITH 40 CODE OF FEDERAL REGULATIONS  
43 SECTIONS 80.570, 80.571, 80.572, 80.573 AND 80.574 TO INFORM THE CUSTOMER OF  
44 THE SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED.

1 Q. IF ANY PERSON TRANSFERS CUSTODY OR TITLE OF A DIESEL FUEL OR  
2 DISTILLATE, EXCEPT IF THE DIESEL FUEL IS DISPENSED INTO A MOTOR VEHICLE OR  
3 NONROAD, LOCOMOTIVE OR MARINE EQUIPMENT, THE TRANSFEROR SHALL PROVIDE TO THE  
4 TRANSFEREE PRODUCT TRANSFER DOCUMENTS THAT CONFORM WITH 40 CODE OF FEDERAL  
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6 R. IF THE TRANSFER OF A MOTOR FUEL IS FROM A TERMINAL, STORAGE  
7 FACILITY, OR TRANSMIX FACILITY, THE PRODUCT TRANSFER DOCUMENTS SHALL CONTAIN  
8 THE INFORMATION PRESCRIBED IN SUBSECTION Q OF THIS SECTION AS WELL AS THE  
9 NAME AND ADDRESS OF THE FINAL DESTINATION FOR THE SHIPMENT, AS PRESCRIBED BY  
10 DEPARTMENT RULE, AND MUST ACCOMPANY THE SHIPMENT TO ITS FINAL DESTINATION.

11 Sec. 3. Laws 2004, chapter 293, section 5 is amended to read:

12 Sec. 5. Conditional enactment; notice

13 A. Section 41-2124, Arizona Revised Statutes, as amended by LAWS 2004,  
14 CHAPTER 293, section 1 ~~of this act~~, is not effective unless on or before  
15 November 1, ~~2007~~ 2009 the administrator of the United States environmental  
16 protection agency approves a revision to the state implementation plan as  
17 defined in section 49-401.01, Arizona Revised Statutes, that incorporates the  
18 changes contained in LAWS 2004, CHAPTER 293, section 1 ~~of this act~~.

19 B. Section 41-2124, Arizona Revised Statutes, as amended by LAWS 2004,  
20 CHAPTER 293, section 2 ~~of this act~~, is not effective unless on or before  
21 November 1, ~~2007~~ 2009 the administrator of the United States environmental  
22 protection agency approves a revision to the state implementation plan as  
23 defined in section 49-401.01, Arizona Revised Statutes, that incorporates the  
24 changes contained in LAWS 2004, CHAPTER 293, section 2 ~~of this act~~.

25 C. The director of the department of environmental quality shall  
26 promptly provide written notice to the director of the Arizona legislative  
27 council of the following:

28 1. The date of approval of a revision to the state implementation plan  
29 that incorporates the changes contained in LAWS 2004, CHAPTER 293, section 1  
30 ~~of this act~~ or the failure to incorporate those changes on or before November  
31 1, ~~2007~~ 2009.

32 2. The date of approval of a revision to the state implementation plan  
33 that incorporates the changes contained in LAWS 2004, CHAPTER 293, section 2  
34 ~~of this act~~ or the failure to incorporate those changes on or before November  
35 1, ~~2007~~ 2009.

36 Sec. 4. Laws 2005, chapter 104, section 7 is amended to read:

37 Sec. 7. Conditional enactment

38 A. Section 41-2083, Arizona Revised Statutes, as amended by LAWS 2005,  
39 CHAPTER 104, section 1 ~~of this act~~ and section 41-2123, Arizona Revised  
40 Statutes, as amended by LAWS 2005, CHAPTER 104, section 2 ~~of this act~~, are  
41 not effective unless on or before November 1, 2007 the administrator of the  
42 United States environmental protection agency approves a revision to the  
43 state implementation plan as defined in section 49-401.01, Arizona Revised  
44 Statutes, that incorporates the changes contained in LAWS 2005, CHAPTER 104,  
45 sections 1 and 2 ~~of this act~~.



1           B. Section 41-2124, Arizona Revised Statutes, as amended by Laws 2004,  
2 chapter 293, section 1 and LAWS 2005, CHAPTER 104, section 4 ~~of this act~~, is  
3 not effective unless only the condition prescribed in Laws 2004, chapter 293,  
4 section 5, subsection A, AS AMENDED BY SECTION 3 OF THIS ACT, is met and  
5 notice is provided pursuant to Laws 2004, chapter 293, section 5, subsection  
6 C, AS AMENDED BY SECTION 3 OF THIS ACT.

7           C. Section 41-2124, Arizona Revised Statutes, as amended by Laws 2004,  
8 chapter 293, section 2 and LAWS 2005, CHAPTER 104, section 5 ~~of this act~~, is  
9 not effective unless only the condition prescribed in Laws 2004, chapter 293,  
10 section 5, subsection B, AS AMENDED BY SECTION 3 OF THIS ACT, is met and  
11 notice is provided pursuant to Laws 2004, chapter 293, section 5, subsection  
12 C, AS AMENDED BY SECTION 3 OF THIS ACT.

13           D. Section 41-2124, Arizona Revised Statutes, as amended by Laws 2004,  
14 chapter 293, sections 1 and 2 and LAWS 2005, CHAPTER 104, section 6 ~~of this~~  
15 ~~act~~, is not effective unless the conditions prescribed in Laws 2004, chapter  
16 293, section 5, subsections A and B, AS AMENDED BY SECTION 3 OF THIS ACT,  
17 are met and notice is provided pursuant to Laws 2004, chapter 293, section 5,  
18 subsection C, AS AMENDED BY SECTION 3 OF THIS ACT.

19           Sec. 5. Conditional enactment

20           Section 41-2083, Arizona Revised Statutes, as amended by Laws 2005,  
21 chapter 104, section 1 and section 2 of this act, is effective as prescribed  
22 in Laws 2005, chapter 104, section 7, as amended by this act.