

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

**CHAPTER 292**  
**SENATE BILL 1552**

AN ACT

AMENDING SECTION 9-500.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTIONS 11-871 AND 11-872, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-877; AMENDING SECTIONS 28-1098 AND 28-6705, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 1; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 2; AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2083.01; AMENDING SECTION 41-2121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2124.01; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 12 OF THIS ACT; AMENDING SECTION 49-457, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-457.01, 49-457.02, 49-457.03 AND 49-457.04; AMENDING SECTION 49-474.01, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-474.05, 49-474.06 AND 49-474.07; AMENDING SECTION 49-501, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 171, SECTION 5; RELATING TO AIR QUALITY; PROVIDING FOR CONDITIONAL ENACTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to  
3 read:

4 9-500.04. Air quality control; definitions

5 A. The governing body of a city or town in area A or AREA B as defined  
6 in section 49-541 shall:

7 1. If the city has a population exceeding fifty thousand persons  
8 according to the 1995 special census, adjust the work hours of at least  
9 eighty-five per cent of municipal employees each year beginning October 1 and  
10 ending April 1 in order to reduce the level of carbon monoxide, OZONE AND  
11 PARTICULATE MATTER concentrations caused by vehicular travel.

12 2. In area A, in consultation with the designated metropolitan  
13 planning organization, synchronize traffic control signals on all existing  
14 and new roadways, within and across jurisdictional boundaries, ~~which~~ THAT  
15 have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor  
16 vehicles per day.

17 3. In area A, beginning on January 1, ~~2000~~ 2008, develop and implement  
18 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on  
19 targeted arterials. The plans shall address the performance goals, the  
20 criteria for targeting the roads, alleys and shoulders, a schedule for  
21 implementation, funding options and reporting requirements. PRIORITY SHALL  
22 BE GIVEN TO THE FOLLOWING:

23 (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

24 (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE  
25 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED  
26 TRAFFIC VOLUME.

27 4. In area A, acquire or utilize vacuum systems or other dust removal  
28 technology to reduce the particulates attributable to conventional crack  
29 sealing operations as existing equipment is retired.

30 5. IN AREA A, IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR:

31 (a) BEGINNING MARCH 31, 2008, ON ANY HIGH POLLUTION ADVISORY DAY  
32 FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROHIBIT EMPLOYEES OR  
33 CONTRACTORS OF THAT CITY OR TOWN FROM OPERATING LEAF BLOWERS EXCEPT WHILE IN  
34 VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM BLOWING  
35 LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

36 (b) NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN  
37 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT  
38 ANY TIME BY ANY PERSON.

39 6. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR  
40 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE  
41 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,  
42 INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER THAN RESIDENTIAL BUILDINGS  
43 WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING  
44 DUSTPROOF PAVING METHODS:

45 (a) ASPHALTIC CONCRETE.

46 (b) CEMENT CONCRETE.

1 (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF  
2 BITUMINOUS BINDER AND A MINERAL AGGREGATE.

3 (d) A STABILIZATION METHOD APPROVED BY THE CITY OR TOWN.

4 7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR  
5 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009, COMMENCE ENFORCEMENT OF THOSE  
6 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,  
7 INGRESS AND EGRESS AREAS THAT ARE THREE THOUSAND SQUARE FEET OR MORE IN SIZE  
8 AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH A  
9 PAVING OR STABILIZATION METHOD AUTHORIZED BY THE CITY OR TOWN BY CODE,  
10 ORDINANCE OR PERMIT.

11 8. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR  
12 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR  
13 UNSTABILIZED VACANT LOTS.

14 9. IN AREA A, NO LATER THAN MARCH 31, 2008, REQUIRE THAT NEW OR  
15 RENEWED CONTRACTS FOR STREET SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH  
16 STREET SWEEPERS THAT MEET THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
17 RULE 1186 STREET SWEEPER CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY  
18 AND PM-10 EMISSIONS IN EFFECT ON JANUARY 1, 2007.

19 ~~5-~~ 10. In area B, synchronize traffic control signals on all roadways  
20 ~~which~~ THAT have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand  
21 motor vehicles per day.

22 B. The governing body of a city or town in area B as defined in  
23 section 49-541 may make and enforce ordinances to reduce or encourage the  
24 reduction of the commuter use of motor vehicles by employees of the city or  
25 town and employees whose place of employment is within the city or town.

26 C. Except as provided in subsection F of this section, the governing  
27 body of a city or town in area A as defined in section 49-541 in a county  
28 with a population of more than one million two hundred thousand persons  
29 according to the most recent United States decennial census shall develop and  
30 implement a vehicle fleet plan for the purpose of encouraging and  
31 progressively increasing the use of alternative fuels and clean burning fuels  
32 in city or town owned vehicles. The plan shall include a timetable for  
33 increasing the use of alternative fuels and clean burning fuels in fleet  
34 vehicles either through purchase or conversion.

35 D. The timetable shall reflect the following schedule and percentage  
36 of vehicles ~~which~~ THAT operate on alternative fuels and clean burning fuels:

37 1. At least eighteen per cent of the total fleet by December 31, 1995.

38 2. At least twenty-five per cent of the total fleet by December 31,  
39 1996.

40 3. At least fifty per cent of the total fleet by December 31, 1998.

41 4. At least seventy-five per cent of the total fleet by December 31,  
42 2000 and each year thereafter.

43 E. The requirements of subsections C and D of this section may be  
44 waived on receipt of evidence acceptable to the city or town council that the  
45 city or town is unable to acquire or be provided equipment or refueling  
46 facilities necessary to operate vehicles using alternative fuels or clean

1 burning fuels at a projected cost that is reasonably expected to result in  
2 net costs of no greater than ten per cent more than the net costs associated  
3 with the continued use of conventional gasoline or diesel fuels measured over  
4 the expected useful life of the equipment or facilities supplied.  
5 Applications for waivers shall be filed with the department of environmental  
6 quality pursuant to section 49-412. An entity that receives a waiver  
7 pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with  
8 a gross vehicle weight of eight thousand five hundred pounds or more, that  
9 were manufactured in or before model year 1993 and that are the subject of  
10 the waiver with a technology that is effective at reducing particulate MATTER  
11 emissions at least twenty-five per cent or more and that has been approved by  
12 the United States environmental protection agency pursuant to the urban bus  
13 engine retrofit/rebuild program. The entity shall comply with the  
14 implementation schedule pursuant to section 49-555.

15 F. The plan prescribed by subsection C of this section shall include  
16 provisions for the use of alternative fuels and clean burning fuels in the  
17 bus fleet operated by that city or town or a regional public transportation  
18 authority, except that all newly purchased buses shall use alternative fuel  
19 or clean burning fuel. The bus fleet shall comply with the timetable  
20 prescribed by subsection D of this section, except that the requirements of  
21 subsections C and D of this section may be waived on receipt of certification  
22 supported by evidence acceptable to the department of environmental quality  
23 that the city or town is unable to acquire or be provided equipment or  
24 refueling facilities necessary to operate vehicles using alternative fuels or  
25 clean burning fuels at a projected cost that is reasonably expected to result  
26 in net costs of no greater than twenty per cent more than the net costs  
27 associated with the continued use of conventional gasoline or diesel fuels  
28 measured over the expected useful life of the equipment or facilities  
29 supplied.

30 G. If the requirements of subsections C, D and F of this section are  
31 met by the use of clean burning fuel, vehicle equivalents under those  
32 requirements shall be calculated as follows:

33 1. One vehicle equivalent for every four hundred fifty gallons of neat  
34 biodiesel or two thousand two hundred fifty gallons of a diesel fuel  
35 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

36 2. One vehicle equivalent for every five hundred thirty gallons of the  
37 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

38 H. SUBSECTION A, PARAGRAPHS 5 THROUGH 8 OF THIS SECTION DO NOT APPLY  
39 TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN  
40 SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING  
41 OPERATIONS.

42 ~~H.~~ I. For the purposes of this section, "alternative fuel" and "clean  
43 burning fuel" have the same meanings prescribed in section 1-215.

44 Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
45 amended by adding section 9-500.27, to read:



1           ~~C.~~ D. The ordinance shall provide that a person who violates an  
2 ordinance adopted pursuant to this section is subject to:

3           1. A warning for the first violation.

4           2. The imposition of a civil penalty of fifty dollars for the second  
5 violation.

6           3. The imposition of a civil penalty of one hundred dollars for ~~a~~ THE  
7 third ~~or any subsequent~~ violation.

8           4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR  
9 THE FOURTH OR ANY SUBSEQUENT VIOLATION.

10          ~~D.~~ E. For violations of ordinances adopted pursuant to this section,  
11 the control officer shall use a uniform civil ticket and complaint  
12 substantially similar to a uniform traffic ticket and complaint prescribed by  
13 the rules of procedure in civil traffic cases adopted by the supreme court.  
14 The control officer may issue citations to persons in violation of ordinances  
15 adopted pursuant to this section.

16          Sec. 4. Section 11-872, Arizona Revised Statutes, is amended to read:  
17 11-872. Control techniques; rules; schedule for adoption

18          A. If the administrator of the United States environmental protection  
19 agency makes a finding relating to area A, as defined in section 49-541,  
20 pursuant to the clean air act amendments of 1990 (P.L. 101-549), section 172,  
21 the county shall adopt by rule the necessary emission limitations or other  
22 standards reflecting control techniques guidelines issued by the United  
23 States environmental protection agency pursuant to the clean air act  
24 amendments of 1990, section 183 in order to achieve emissions reductions  
25 sufficient to respond to the finding.

26          B. The county shall begin to develop rules ~~which~~ THAT incorporate the  
27 provisions of the control techniques guidelines being developed by the United  
28 States environmental protection agency. The rule making process shall  
29 parallel as closely as possible the United States environmental protection  
30 agency process and incorporate adequate public notice and comment. The  
31 county shall make every practical effort to assure the rules are consistent  
32 with the concepts and provisions embodied in the United States environmental  
33 protection agency process. Within sixty days ~~of~~ AFTER the formal adoption of  
34 the United States environmental protection agency control techniques  
35 guidelines for an industry sector, the county shall adopt rules, emission  
36 limitations or other standards reflecting such guidelines. If the guidelines  
37 are required pursuant to subsection A of this section prior to formal  
38 adoption by the administrator of the guidelines, the county rules shall  
39 become effective within sixty days ~~of~~ AFTER the United States environmental  
40 protection agency finding. The county shall determine which industry sector  
41 shall be subject to the requirements of this section.

42          C. If the director of the department of environmental quality  
43 determines that emissions inventory data, monitoring information and modeling  
44 or projections indicate it is likely that reasonable further progress or  
45 attainment will not be achieved in order to comply with the clean air act  
46 amendments of 1990 OR ACHIEVE OR MAINTAIN NATIONAL AMBIENT AIR QUALITY

1 STANDARDS OR OTHER AIR QUALITY STANDARDS APPLICABLE TO OZONE PRECURSORS, the  
2 county shall adopt rules necessary to achieve emissions reductions to achieve  
3 reasonable further progress or attainment. The rules shall be based on  
4 technically feasible controls to reduce the emissions of volatile organic  
5 compounds from industry sectors that the United States environmental  
6 protection agency is considering for control technique guidelines.

7 D. All emissions reductions required pursuant to this section shall be  
8 achieved FOR PURPOSES OF THE ONE-HOUR OZONE STANDARD no later than June 1,  
9 1996 AND FOR PURPOSES OF THE EIGHT-HOUR AVERAGED OZONE STANDARD NO LATER THAN  
10 DECEMBER 31, 2008.

11 Sec. 5. Title 11, chapter 6, article 4, Arizona Revised Statutes, is  
12 amended by adding section 11-877, to read:

13 11-877. Air quality control measures

14 A. IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR, THE BOARD OF  
15 SUPERVISORS OF ANY COUNTY THAT CONTAINS ANY PORTION OF AREA A, AS DEFINED IN  
16 SECTION 49-541, SHALL DEVELOP, IMPLEMENT AND ENFORCE IN AREA A THE FOLLOWING  
17 AIR QUALITY CONTROL MEASURES:

18 1. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROHIBIT EMPLOYEES  
19 OR CONTRACTORS OF THAT COUNTY FROM OPERATING LEAF BLOWERS ON ANY HIGH  
20 POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
21 EXCEPT WHILE IN VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM  
22 BLOWING LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

23 2. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN  
24 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT  
25 ANY TIME BY ANY PERSON.

26 3. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN  
27 ORDINANCE THAT PROHIBITS THE OPERATION OF LEAF BLOWERS EXCEPT ON SURFACES  
28 THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE,  
29 HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF  
30 BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED  
31 GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS  
32 VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

33 B. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY  
34 A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE  
35 DUST FROM DUST GENERATING OPERATIONS.

36 Sec. 6. Section 28-1098, Arizona Revised Statutes, is amended to read:

37 28-1098. Vehicle loads; restrictions; civil penalties

38 A. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, a  
39 person shall not drive or move a vehicle on a highway unless the vehicle is  
40 constructed or loaded in a manner to prevent any of its load from dropping,  
41 sifting, leaking or otherwise escaping from the vehicle, except ~~that either~~  
42 THE FOLLOWING ARE PERMITTED:

43 1. SUFFICIENT sand may be dropped for the purpose of securing  
44 traction.

45 2. Water or another substance may be sprinkled on a roadway in  
46 cleaning or maintaining the roadway.



1           3. MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS  
2 FROM AGRICULTURAL LOADS.

3           B. A person shall not operate a vehicle on a highway with a load  
4 unless the load and any covering on the load are securely fastened in a  
5 manner to prevent the covering or load from becoming loose, detached or in  
6 any manner a hazard to other users of the highway.

7           C. If a person is found in violation of this section and the  
8 violation:

9           1. Does not cause any damage or injury and is the person's:

10           (a) First violation in a sixty month period, the person is subject to a  
11 civil penalty of ~~up to~~ NOT MORE THAN two hundred fifty dollars.

12           (b) Second or subsequent violation in a sixty month period, the person  
13 is subject to a civil penalty of ~~up to~~ NOT MORE THAN three hundred fifty  
14 dollars.

15           2. Results in an accident causing serious physical injury as defined  
16 in section 13-105 to another person, the person is subject to a civil penalty  
17 of ~~up to~~ NOT MORE THAN five hundred dollars.

18           3. Results in an accident causing the death of another person, the  
19 person is subject to a civil penalty of ~~up to~~ NOT MORE THAN one thousand  
20 dollars.

21           Sec. 7. Section 28-6705, Arizona Revised Statutes, is amended to read:

22           28-6705. Public road and street maintenance

23           A. The board of supervisors may spend public monies for maintenance of  
24 public roads and streets other than legally designated state and county  
25 highways located without the limits of an incorporated city or town. Before  
26 spending public monies under this section, the roads or streets shall be  
27 both:

28           1. Laid out, opened and constructed without cost to the county.

29           2. Completed pursuant to a plat approved pursuant to sections 11-802  
30 and 11-806.01 and in accordance with standard engineering road specifications  
31 adopted by the board of supervisors to ensure uniform compliance.

32           B. The board of supervisors may spend public monies for maintenance of  
33 public roads and streets laid out, constructed and opened before June 13,  
34 1975 even if the roads and streets were not constructed in accordance with  
35 subsection A of this section.

36           C. Maintenance of a public road or street does not include purchasing  
37 or laying cement. To reduce long-term maintenance costs for maintenance  
38 authorized by this section, the board of supervisors may spend monies to add  
39 rock products, gravel and processed materials to the base of the roads and  
40 streets. Petroleum based or nonpetroleum based products may be used in the  
41 maintenance and repair of unpaved roads, alleys and shoulders identified  
42 pursuant to section 9-500.04 or ~~section~~ 49-474.01 OR UNPAVED ROADS, ALLEYS  
43 AND SHOULDERS IN ANY COUNTY WHERE THE CONTROL OFFICER AS DEFINED IN SECTION  
44 49-471 CERTIFIES TO THE BOARD OF SUPERVISORS THAT EMISSIONS FROM SUCH ROADS,  
45 ALLEYS OR SHOULDERS MAY ENDANGER COMPLIANCE WITH THE NATIONAL AMBIENT AIR  
46 QUALITY STANDARD AS DEFINED IN SECTION 49-401.01.



1           Sec. 8. Section 41-2083, Arizona Revised Statutes, as amended by Laws  
2 2007, chapter 145, section 1, is amended to read:

3           41-2083. Standards for motor fuel; exceptions

4           A. Except as provided in [SECTION 41-2083.01 AND](#) subsections C, D, E,  
5 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not  
6 store, sell or expose or offer for sale any motor fuel, kerosene, oil or  
7 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of  
8 lubricants or other similar products if the product fails to meet the  
9 standards specified in this section and in the rules adopted by the director.

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

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

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

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

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

38          G. Exclusively for the purposes of transportation conformity and only  
39 if the administrator of the United States environmental protection agency  
40 fails to approve the applicable plan required pursuant to section 49-406,  
41 maximum vapor pressure for gasoline that is supplied or sold by any person  
42 and that is intended as a final product for the fueling of motor vehicles in  
43 area B as defined in section 49-541 shall be ten pounds per square inch from  
44 and after September 30 through March 31 of each year. Fuel used in motor  
45 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
46 as defined by section 41-2121 is exempt from this subsection.

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

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

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

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

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

35 1. For low sulfur diesel fuel, five hundred parts per million by  
36 weight for use in area A as defined in section 49-541.

37 2. For ultra low sulfur diesel fuel, the amount that conforms with 40  
38 Code of Federal Regulations section 80.520(a)(1).

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

45 L. A person that blends biodiesel that is intended as a final product  
46 for the fueling of motor vehicles shall report to the director by the

1 fifteenth day of each month the quantity and quality of biodiesel shipped to  
2 or produced in this state during the preceding month. A person who supplies  
3 biodiesel subject to this subsection shall report the following by batch:

- 4 1. The percentage of biodiesel in a final blend.
- 5 2. The volume of the finished product.
- 6 3. For neat biodiesel, the results of analysis for those parameters  
7 established by ASTM D6751.
- 8 4. For biodiesel blended with any diesel fuel, the results of the  
9 analysis of the following motor fuel parameters as established by ASTM D975:
  - 10 (a) Sulfur content.
  - 11 (b) Aromatic hydrocarbon content.
  - 12 (c) Cetane number.
  - 13 (d) Specific gravity.
  - 14 (e) American petroleum institute gravity.
  - 15 (f) The temperatures at which ten per cent, fifty per cent and ninety  
16 per cent of the diesel fuel boiled off during distillation.

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

24 N. A person shall label dispensers at which biodiesel is dispensed in  
25 such a manner as to notify other persons of the volume percentage of  
26 biodiesel in the finished product and that conforms with 40 Code of Federal  
27 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the  
28 customer of the sulfur content of the diesel fuel being dispensed.

29 O. A person shall label each dispenser at which ultra low sulfur  
30 diesel fuel is dispensed in a manner 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 P. A person shall label each dispenser at which low sulfur diesel fuel  
34 is dispensed in a manner that conforms with 40 Code of Federal Regulations  
35 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of  
36 the sulfur content of the diesel fuel being dispensed.

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

42 R. If the transfer of a motor fuel is from a terminal, storage  
43 facility, or transmix facility, the product transfer documents shall contain  
44 the information prescribed in subsection Q of this section as well as the  
45 name and address of the final destination for the shipment, as prescribed by  
46 department rule, and must accompany the shipment to its final destination.

1           Sec. 9. Section 41-2083, Arizona Revised Statutes, as amended by Laws  
2 2007, chapter 145, section 2, is amended to read:

3           41-2083. Standards for motor fuel; exceptions

4           A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E,  
5 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not  
6 store, sell or expose or offer for sale any motor fuel, kerosene, oil or  
7 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of  
8 lubricants or other similar products if the product fails to meet the  
9 standards specified in this section and in the rules adopted by the director.

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

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

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

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

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

38          G. Exclusively for the purposes of transportation conformity and only  
39 if the administrator of the United States environmental protection agency  
40 fails to approve the applicable plan required pursuant to section 49-406,  
41 maximum vapor pressure for gasoline that is supplied or sold by any person  
42 and that is intended as a final product for the fueling of motor vehicles in  
43 area B as defined in section 49-541 shall be ten pounds per square inch from  
44 and after September 30 through March 31 of each year. Fuel used in motor  
45 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
46 as defined by section 41-2121 is exempt from this subsection.

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

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

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

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

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

35 1. For low sulfur diesel fuel, five hundred parts per million by  
36 weight for use in area A as defined in section 49-541.

37 2. For ultra low sulfur diesel fuel, the amount that conforms with 40  
38 Code of Federal Regulations section 80.520(a)(1).

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

45 L. A person who blends biodiesel that is intended as a final product  
46 for the fueling of motor vehicles shall report to the director by the

1 fifteenth day of each month the quantity and quality of biodiesel shipped to  
2 or produced in this state during the preceding month. A person who supplies  
3 biodiesel subject to this subsection shall report the following by batch:

- 4 1. The percentage of biodiesel in a final blend.
- 5 2. The volume of the finished product.
- 6 3. For neat biodiesel, the results of analysis for those parameters  
7 established by ASTM D6751.
- 8 4. For biodiesel blended with any diesel fuel, the results of the  
9 analysis of the following motor fuel parameters as established by ASTM D975:
  - 10 (a) Sulfur content.
  - 11 (b) Aromatic hydrocarbon content.
  - 12 (c) Cetane number.
  - 13 (d) Specific gravity.
  - 14 (e) American petroleum institute gravity.
  - 15 (f) The temperatures at which ten per cent, fifty per cent and ninety  
16 per cent of the diesel fuel boiled off during distillation.

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

24 N. A person shall label dispensers at which biodiesel is dispensed in  
25 such a manner as to notify other persons of the volume percentage of  
26 biodiesel in the finished product and that conforms with 40 Code of Federal  
27 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the  
28 customer of the sulfur content of the diesel fuel being dispensed.

29 O. A person shall label each dispenser at which ultra low sulfur  
30 diesel fuel is dispensed in a manner 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 P. A person shall label each dispenser at which low sulfur diesel fuel  
34 is dispensed in a manner that conforms with 40 Code of Federal Regulations  
35 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of  
36 the sulfur content of the diesel fuel being dispensed.

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

42 R. If the transfer of a motor fuel is from a terminal, storage  
43 facility, or transmix facility, the product transfer documents shall contain  
44 the information prescribed in subsection Q of this section as well as the  
45 name and address of the final destination for the shipment, as prescribed by  
46 department rule, and must accompany the shipment to its final destination.

1           Sec. 10. Title 41, chapter 15, article 3, Arizona Revised Statutes, is  
2 amended by adding section 41-2083.01, to read:

3           41-2083.01. Area C; standards for motor fuel; exceptions

4           A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D OF THIS SECTION, AFTER  
5 MAY 31, 2008, A RETAIL SELLER OR FLEET OWNER SHALL NOT STORE, SELL OR EXPOSE  
6 OR OFFER FOR SALE IN AREA C AS DEFINED IN SECTION 41-2121 ANY MOTOR FUEL,  
7 KEROSENE, OIL OR OTHER LIQUID OR GASEOUS FUEL OR LUBRICATING OIL, LUBRICANT,  
8 MIXTURES OF LUBRICANTS OR OTHER SIMILAR PRODUCTS IF THE PRODUCT FAILS TO MEET  
9 THE STANDARDS SPECIFIED IN THIS SECTION AND IN THE RULES ADOPTED BY THE  
10 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 AREA C AS DEFINED IN SECTION 41-2121 SHALL BE 7.0 POUNDS PER  
22 SQUARE INCH FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH YEAR. FUEL  
23 USED IN MOTOR VEHICLES AT A MANUFACTURER'S PROVING GROUND OR A MOTOR VEHICLE  
24 RACING EVENT AS DEFINED BY SECTION 41-2121 IS EXEMPT FROM THIS SUBSECTION.

25           E. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES IN  
26 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
27 SHALL APPROVE ALTERNATE FUEL CONTROL MEASURES THAT ARE SUBMITTED BY  
28 MANUFACTURERS OR SUPPLIERS OF GASOLINE AND THAT THE DIRECTORS DETERMINE WILL  
29 RESULT IN MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS THAT ARE EQUAL TO  
30 OR LESS THAN THE EMISSIONS THAT RESULT UNDER COMPLIANCE WITH SUBSECTION D OF  
31 THIS SECTION. IN MAKING THIS DETERMINATION, THE DIRECTOR OF THE DEPARTMENT  
32 OF WEIGHTS AND MEASURES AND THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL  
33 QUALITY SHALL COMPARE THE MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS OF  
34 THE ALTERNATE FUEL CONTROL MEASURE WITH THE MOTOR VEHICLE NON-METHANE  
35 HYDROCARBON EMISSIONS OF A FUEL THAT COMPLIES WITH THE MAXIMUM VAPOR PRESSURE  
36 STANDARD AS PRESCRIBED BY SUBSECTION D OF THIS SECTION.

37           F. ANY ALTERNATE FUEL CONTROL MEASURES THAT ARE APPROVED SHALL NOT  
38 INCREASE EMISSIONS OF NON-METHANE HYDROCARBONS, PARTICULATES, CARBON MONOXIDE  
39 OR OXIDES OF NITROGEN. ALTERNATE FUEL CONTROL MEASURES APPROVED PURSUANT TO  
40 SUBSECTION E OF THIS SECTION AND THIS SUBSECTION MAY BE USED BY ANY  
41 MANUFACTURER OR SUPPLIER OF GASOLINE UNLESS THE APPROVAL IS RESCINDED MORE  
42 THAN ONE HUNDRED EIGHTY DAYS BEFORE THE FIRST DAY OF A GASOLINE CONTROL  
43 PERIOD. MANUFACTURERS AND SUPPLIERS WHO USE AN APPROVED ALTERNATE FUEL  
44 CONTROL MEASURE SHALL ANNUALLY SUBMIT A COMPLIANCE PLAN TO THE DIRECTOR OF  
45 THE DEPARTMENT OF WEIGHTS AND MEASURES NO LATER THAN SIXTY DAYS BEFORE THE  
46 FIRST DAY OF A GASOLINE CONTROL PERIOD.



1           Sec. 11. Section 41-2121, Arizona Revised Statutes, is amended to  
2 read:

3           41-2121. Definitions

4           In this article, unless the context otherwise requires:

5           1. "Area A" has the same meaning prescribed in section 49-541.

6           2. "Area B" has the same meaning prescribed in section 49-541.

7           3. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11  
8 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AS DEFINED IN  
9 SECTION 49-541 AND THAT PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY  
10 INDIAN TRIBE, BAND, GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED  
11 STATES SECRETARY OF THE INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY  
12 WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE  
13 UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND  
14 INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

15           ~~3.~~ 4. "Fleet owner" means a registered owner or lessee of at least  
16 twenty-five vehicles.

17           ~~4.~~ 5. "Gasoline" means a volatile, highly flammable liquid mixture of  
18 hydrocarbons that does not contain more than five one-hundredths grams of  
19 lead for each United States gallon, that is produced, refined, manufactured,  
20 blended, distilled or compounded from petroleum, natural gas, oil, shale oils  
21 or coal and other flammable liquids free from undissolved water, sediment or  
22 suspended matter, with or without additives, and that is commonly used as a  
23 fuel for spark ignition internal combustion engines. Gasoline does not  
24 include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

25           ~~5.~~ 6. "Manufacturer's proving ground" means a facility whose sole  
26 purpose is to develop complete advanced vehicles for an automotive  
27 manufacturer.

28           ~~6.~~ 7. "Motor vehicle racing event" means a race that uses unlicensed  
29 vehicles that are designed and manufactured specifically for racing purposes  
30 and that is conducted on a public or private racecourse for the entertainment  
31 of the general public. A motor vehicle racing event includes practice,  
32 qualifying and demonstration laps conducted as part of the activities related  
33 to a motor vehicle race.

34           ~~7.~~ 8. "Oxygenate" means any oxygen-containing ashless, organic  
35 compound, including aliphatic alcohols and aliphatic ethers, that may be used  
36 as a fuel or as a gasoline blending component and that is approved as a  
37 blending agent under the provisions of a waiver issued by the United States  
38 environmental protection agency pursuant to 42 United States Code section  
39 7545(f).

40           ~~8.~~ 9. "Oxygenated fuel" means an unleaded motor fuel blend that  
41 consists primarily of gasoline and at least one and one-half per cent by  
42 weight of one or more oxygenates and that has been blended consistent with  
43 the provisions of a waiver issued by the United States environmental  
44 protection agency pursuant to 42 United States Code section 7545(f).

45           ~~9.~~ 10. "Product transfer document" means any bill of lading, loading  
46 ticket, manifest, delivery receipt, invoice or other documentation used on

1 any occasion when a person transfers custody or title of motor fuel other  
2 than when motor fuel is sold or dispensed at a service station or fleet  
3 vehicle fueling facility.

4 ~~10.~~ 11. "Supplier" means any person who imports gasoline into a  
5 vehicle emissions control area by means of a pipeline or in truckload  
6 quantities for the person's own use within the vehicle emissions control area  
7 or any person who sells gasoline intended for ultimate consumption within a  
8 vehicle emissions control area, except that supplier does not mean a person  
9 with respect to gasoline supplied or sold by the person to another for resale  
10 to a retailer within a vehicle emissions control area or to a fleet owner for  
11 consumption within a vehicle emissions control area.

12 ~~11.~~ 12. "Vehicle emissions control area" has the same meaning  
13 prescribed in section 49-541, except that such an area does not include a  
14 manufacturer's proving ground that is located in the vehicle emissions  
15 control area.

16 Sec. 12. Title 41, chapter 15, article 6, Arizona Revised Statutes, is  
17 amended by adding section 41-2124.01, to read:

18 41-2124.01. Area C; fuel reformulation; rules

19 A. FROM AND AFTER MAY 31, 2008 THROUGH SEPTEMBER 30, 2008 AND DURING  
20 THE PERIOD FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH SUBSEQUENT  
21 YEAR, ALL GASOLINE PRODUCED AND SHIPPED TO OR WITHIN THIS STATE AND SOLD OR  
22 OFFERED FOR SALE FOR USE IN MOTOR VEHICLES IN AREA C SHALL COMPLY WITH EITHER  
23 OF THE FOLLOWING FUEL REFORMULATION OPTIONS:

24 1. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED  
25 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTION 80.41,  
26 PARAGRAPHS (e) THROUGH (h), IN EFFECT ON JANUARY 1, 1999, EXCEPT THAT THE  
27 MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL ALSO MEET  
28 THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01, SUBSECTION D.

29 2. CALIFORNIA PHASE 2 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE  
30 FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA  
31 AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13,  
32 SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON JANUARY 1, 1997, EXCEPT  
33 THAT THE MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL  
34 ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01,  
35 SUBSECTION D.

36 B. ANY REGISTERED SUPPLIER, AS DEFINED IN DEPARTMENT RULES, MAY  
37 PETITION THE DIRECTOR TO REQUEST THAT ALL REGISTERED SUPPLIERS BE ALLOWED TO  
38 SUPPLY GASOLINE IN AREA C THAT DOES NOT MEET THE STANDARDS IN SUBSECTION A OF  
39 THIS SECTION IF THE PETITIONER DEMONSTRATES THAT A SHORTAGE IN THE SUPPLY OF  
40 GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION IS IMMINENT.

41 C. A PETITION UNDER SUBSECTION B OF THIS SECTION SHALL:

42 1. IDENTIFY SPECIFIC SUPPLY CONDITIONS THAT WILL RESULT IN A SHORTAGE  
43 OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

44 2. IDENTIFY THE FORMULATION OF GASOLINE THAT WILL BE SOLD IN AREA C IN  
45 LIEU OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

1           3. SPECIFY A TIME PERIOD FOR COMPLIANCE WITH THE STANDARDS OF  
2 SUBSECTION A OF THIS SECTION NOT TO EXCEED SIXTY DAYS.

3           D. THE DIRECTOR SHALL EITHER GRANT OR DENY A PETITION UNDER SUBSECTION  
4 B OF THIS SECTION IN WRITING WITHIN SEVEN DAYS OF ITS RECEIPT. ANY DECISION  
5 BY THE DIRECTOR TO GRANT THE PETITION SHALL BE EQUALLY APPLICABLE TO ALL  
6 REGISTERED SUPPLIERS AND SHALL NOT BE SELECTIVELY APPLIED TO ANY SINGLE  
7 REGISTERED SUPPLIER. THE PETITION MAY BE GRANTED ONLY IF THE DIRECTOR  
8 VERIFIES THAT THE BASIS FOR REQUESTING THE PETITION IS FACTUAL.

9           E. THE DIRECTOR MAY REAUTHORIZE A PETITION GRANTED UNDER SUBSECTION B  
10 OF THIS SECTION IF THE PETITIONER DEMONSTRATES THAT THE CONDITIONS IDENTIFIED  
11 IN THE PETITION HAVE CONTINUED. THE REAUTHORIZATION OF A PETITION SHALL NOT  
12 EXCEED THIRTY DAYS.

13           F. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL  
14 CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE  
15 GRANTING, REAUTHORIZING OR DENYING ANY PETITION UNDER SUBSECTION B OF THIS  
16 SECTION.

17           G. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN  
18 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES  
19 SHALL ADOPT BY RULE:

- 20           1. REQUIREMENTS TO IMPLEMENT SUBSECTIONS A, B AND C OF THIS SECTION.  
21           2. REQUIREMENTS FOR RECORD KEEPING, REPORTING AND ANALYTICAL METHODS  
22 FOR FUEL PROVIDERS TO DEMONSTRATE COMPLIANCE WITH SUBSECTION A OF THIS  
23 SECTION.

24           H. THIS SECTION DOES NOT APPLY TO FUEL SOLD FOR USE AT A MOTOR VEHICLE  
25 MANUFACTURER PROVING GROUND OR AT A MOTOR VEHICLE RACING EVENT.

26           Sec. 13. Section 41-2124.01, Arizona Revised Statutes, as added by  
27 section 12 of this act, is amended to read:

28           41-2124.01. Area C: fuel reformulation: rules

29           A. From and after May 31, 2008 through September 30, 2008 and during  
30 the period from and after May 31 through September 30 of each subsequent  
31 year, all gasoline produced and shipped to or within this state and sold or  
32 offered for sale for use in motor vehicles in area C shall comply with either  
33 of the following fuel reformulation options:

34           1. A gasoline that meets standards for federal phase II reformulated  
35 gasoline, as provided in 40 Code of Federal Regulations section 80.41,  
36 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
37 minimum oxygen content standard does not apply. The gasoline shall also meet  
38 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

39           2. California phase ~~2~~ 3 reformulated gasoline, including alternative  
40 formulations allowed by the predictive model, as adopted by the California  
41 air resources board pursuant to California Code of Regulations title 13,  
42 sections 2261 through ~~2262.7~~ and 2263, 2265 AND 2266.5, in effect on ~~January~~  
43 ~~1, 1997~~ MAY 1, 2003, ~~except that the minimum oxygen content standard does not~~  
44 ~~apply. The gasoline shall also meet the maximum~~ INCLUDING vapor pressure  
45 requirements ~~in section 41-2083.01, subsection D~~ CONTAINED IN SECTION 2262.4.

1 B. Any registered supplier, as defined in department rules, may  
2 petition the director to request that all registered suppliers be allowed to  
3 supply gasoline in area C that does not meet the standards in subsection A of  
4 this section if the petitioner demonstrates that a shortage in the supply of  
5 gasoline meeting the standards in subsection A of this section is imminent.

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

7 1. Identify specific supply conditions that will result in a shortage  
8 of gasoline meeting the standards in subsection A of this section.

9 2. Identify the formulation of gasoline that will be sold in area C in  
10 lieu of gasoline meeting the standards in subsection A of this section.

11 3. Specify a time period for compliance with the standards of  
12 subsection A of this section not to exceed sixty days.

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

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

23 F. The director of the department of weights and measures shall  
24 consult with the director of the department of environmental quality before  
25 granting, reauthorizing or denying any petition under subsection B of this  
26 section.

27 G. The director of the department of environmental quality in  
28 consultation with the director of the department of weights and measures  
29 shall adopt by rule:

30 1. Requirements to implement subsections A, B and C of this section.

31 2. Requirements for record keeping, reporting and analytical methods  
32 for fuel providers to demonstrate compliance with subsection A of this  
33 section.

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

36 Sec. 14. Section 49-457, Arizona Revised Statutes, is amended to read:

37 49-457. Agricultural best management practices committee;  
38 members; powers; permits; definitions

39 A. A best management practices committee for regulated agricultural  
40 activities is established.

41 B. The committee shall consist of:

42 1. The director OF ENVIRONMENTAL QUALITY or the director's designee.

43 2. The director of the ARIZONA department of agriculture or the  
44 director's designee.

45 3. The dean of the college of agriculture of the university of Arizona  
46 or the dean's designee.

1           4. The state director of the United States natural resources  
2 conservation service or the director's designee.

3           5. One person actively engaged in the production of citrus.

4           6. One person actively engaged in the production of vegetables.

5           7. One person actively engaged in the production of cotton.

6           8. One person actively engaged in the production of alfalfa.

7           9. One person actively engaged in the production of grain.

8           10. One soil taxonomist from the university of Arizona college of  
9 agriculture.

10          C. The governor shall appoint the members designated pursuant to  
11 subsection ~~A~~ B, paragraphs 5 through 10 of this section for a term of six  
12 years. Members may be reappointed. Members are not entitled to compensation  
13 for their services but are entitled to receive reimbursement of expenses  
14 pursuant to ~~section 38-611, subsection D~~ TITLE 38, CHAPTER 4, ARTICLE 2.

15          D. The committee shall elect a chairman from the appointed members to  
16 serve a two year term.

17          E. The committee shall meet at the call of the chairman or at the  
18 request of a majority of the appointed members.

19          F. The department of environmental quality, the ARIZONA department of  
20 agriculture and the college of agriculture of the university of Arizona shall  
21 cooperate with and provide technical assistance and any necessary information  
22 to the committee. The department of environmental quality shall provide the  
23 necessary staff support and meeting facilities for the committee.

24          G. Notwithstanding subsections I, J and K of this section, a person  
25 engaged in a regulated agricultural activity on ~~the effective date of this~~  
26 ~~section~~ AUGUST 21, 1998 shall comply with the general permit as provided in  
27 subsection H of this section by December 31, 2001. A person who commences a  
28 regulated agricultural activity after December 31, 2000, ~~shall~~ shall comply with  
29 the general permit within eighteen months of commencing the activity.

30          H. By June 10, 2000, the committee shall adopt, by rule, an  
31 agricultural general permit specifying best management practices for  
32 regulated agricultural activities to reduce PM-10 particulate emissions. A  
33 person subject to an agricultural general permit pursuant to this section is  
34 not subject to a permit issued pursuant to section 49-426 except as provided  
35 in subsection K of this section. The committee shall adopt by rule a list of  
36 best management practices, at least ~~one~~ TWO of which shall be used to  
37 demonstrate compliance with applicable provisions of the general permit no  
38 later than December 31, ~~2001~~ 2007. Best management practices may vary within  
39 the ~~Maricopa PM-10 particulate nonattainment~~ REGULATED area, according to  
40 regional or geographical conditions or cropping patterns. The director shall  
41 submit the rule to the United States environmental protection agency as a  
42 revision to the applicable implementation plan ~~within sixty days of adoption~~  
43 NO LATER THAN DECEMBER 31, 2007.

44          I. If the director determines that a person engaged in a regulated  
45 activity is not in compliance with the general permit, and that person has  
46 not previously been subject to a compliance order issued pursuant to this

1 section, the director may serve upon the person by certified mail an order  
2 requiring compliance with the general permit and notifying the person of the  
3 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The  
4 order shall state with reasonable particularity the nature of the  
5 noncompliance and shall specify that the person has a period that the  
6 director determines is reasonable, but is not less than six months, to submit  
7 a plan to the supervisors of the natural resource conservation district in  
8 which the person engages in the regulated activity that specifies the best  
9 management practices from among those adopted in rule pursuant to subsection  
10 H of this section that the person will use to comply with the general permit.

11 J. If the director determines that a person engaged in a regulated  
12 activity is not in compliance with the general permit, and that person has  
13 previously submitted a plan pursuant to subsection I of this section, the  
14 director may serve upon the person by certified mail an order requiring  
15 compliance with the general permit and notifying the person of the  
16 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The  
17 order shall state with reasonable particularity the nature of the  
18 noncompliance and shall specify that the person has a period that the  
19 director determines is reasonable, but is not less than six months, to submit  
20 a plan to the department that specifies the best management practices from  
21 among those adopted in rule pursuant to subsection H of this section that the  
22 person will use to comply with the general permit.

23 K. If a person fails to comply with the plan submitted pursuant to  
24 subsection J of this section, the director may revoke the agricultural  
25 general permit for that person and ~~to~~ require that the person obtain an  
26 individual permit pursuant to section 49-426. A revocation becomes effective  
27 after the director has provided the person with notice and an opportunity for  
28 a hearing pursuant to title 41, chapter 6, article 10.

29 L. The committee may periodically reexamine, evaluate and modify best  
30 management practices. Any approved modifications shall be submitted to the  
31 United States environmental protection agency as a revision to the applicable  
32 implementation plan.

33 M. The committee shall develop and commence an education program by  
34 June 10, 2000. The education program shall be conducted by the director or  
35 the director's designee or designees.

36 N. In this section, unless the context otherwise requires:

37 1. "Agricultural general permit" means best management practices that:  
38 (a) Reduce PM-10 particulate emissions from tillage practices and from  
39 harvesting on a commercial farm.

40 (b) Reduce PM-10 particulate emissions from those areas of a  
41 commercial farm that are not normally in crop production.

42 (c) Reduce PM-10 particulate emissions from those areas of a  
43 commercial farm that are normally in crop production including prior to plant  
44 emergence and when the land is not in crop production.

45 2. "Applicable implementation plan" means that term as defined in 42  
46 United States Code SECTION 7601(q).

1           3. "Best management practices" means techniques THAT ARE verified by  
2 scientific research, ~~AND~~ AND that on a case by case basis are practical,  
3 economically feasible and effective in reducing PM-10 particulate emissions  
4 from a regulated agricultural activity.

5           4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix  
6 planning area as set forth in 40 Code of Federal Regulations ~~part~~ SECTION  
7 81.303.

8           5. "Regulated agricultural activities" means commercial farming  
9 practices that may produce PM-10 particulate emissions within the ~~Maricopa~~  
10 ~~PM-10 particulate nonattainment area~~ REGULATED AREA.

11           6. "REGULATED AREA" MEANS THE MARICOPA PM-10 NONATTAINMENT AREA AND  
12 ANY PORTION OF AREA A THAT IS LOCATED IN A COUNTY WITH A POPULATION OF TWO  
13 MILLION OR MORE PERSONS.

14           Sec. 15. Title 49, chapter 3, article 2, Arizona Revised Statutes, is  
15 amended by adding sections 49-457.01, 49-457.02, 49-457.03 and 49-457.04, to  
16 read:

17           49-457.01. Leaf blower use restrictions and training; leaf  
18 blower equipment sellers; informational material;  
19 outreach; applicability

20           A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION  
21 OR MORE PERSONS OR ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE  
22 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A  
23 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

24           B. AFTER MARCH 31, 2008, NO PERSON MAY USE A LEAF BLOWER TO BLOW  
25 LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS.

26           C. AFTER MARCH 31, 2008, NO PERSON MAY OPERATE A LEAF BLOWER EXCEPT ON  
27 SURFACES THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE,  
28 HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF  
29 BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED  
30 GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS  
31 VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

32           D. AT LEAST ONCE EVERY THREE YEARS, ANY PERSON OPERATING A LEAF BLOWER  
33 FOR REMUNERATION SHALL SUCCESSFULLY COMPLETE TRAINING APPROVED BY THE  
34 DEPARTMENT ON HOW TO OPERATE A LEAF BLOWER IN A MANNER DESIGNED TO MINIMIZE  
35 THE GENERATION OF FUGITIVE DUST EMISSIONS. ANY PERSON WHO IS REQUIRED TO BE  
36 TRAINED UNDER THIS SUBSECTION SHALL COMPLETE INITIAL TRAINING NO LATER THAN  
37 DECEMBER 31, 2008.

38           E. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS  
39 EQUIPMENT THAT IS USED FOR BLOWING LANDSCAPE DEBRIS SHALL PROVIDE TO THE  
40 BUYER OR RENTER OF THE EQUIPMENT PRINTED MATERIALS THAT ARE APPROVED BY THE  
41 DEPARTMENT PURSUANT TO THIS SECTION.

42           F. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE  
43 MATERIALS TO PERSONS WHO SELL OR RENT EQUIPMENT USED FOR BLOWING LANDSCAPE  
44 DEBRIS. THE PRINTED MATERIALS SHALL BE DESIGNED TO EDUCATE AND INFORM THE  
45 USER OF THE EQUIPMENT ON THE SAFE AND EFFICIENT USE OF THE EQUIPMENT,  
46 INCLUDING METHODS FOR REDUCING THE GENERATION OF DUST, AND SHALL INCLUDE



1 INFORMATION REGARDING DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE  
2 APPLICABLE.

3 G. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY  
4 A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE  
5 DUST FROM DUST GENERATING OPERATIONS.

6 49-457.02. Dust-free developments program; certification; seal

7 A. THE DEPARTMENT SHALL ESTABLISH THE DUST-FREE DEVELOPMENTS PROGRAM  
8 TO ENCOURAGE AND RECOGNIZE PERSONS AND ENTITIES THAT DEMONSTRATE EXCEPTIONAL  
9 COMMITMENT TO THE REDUCTION OF AIRBORNE DUST IN A COUNTY WITH A POPULATION OF  
10 MORE THAN TWO MILLION PERSONS AND IN THE PM-10 NONATTAINMENT AREA THAT  
11 CONTAINS THE CITY OF APACHE JUNCTION. THE PROGRAM SHALL INCLUDE A VOLUNTARY  
12 CERTIFICATION PROCESS BASED ON CRITERIA DEVELOPED BY THE DEPARTMENT.

13 B. ANY PERSON OR ENTITY MAY APPLY FOR CERTIFICATION UNDER THE PROGRAM,  
14 AND IF APPROVED, MAY LAWFULLY USE A CERTIFICATION, SEAL, LOGO OR OTHER  
15 SIMILAR INDICATOR ESTABLISHED BY THE DEPARTMENT. A PERSON OR ENTITY THAT IS  
16 CERTIFIED UNDER THE PROGRAM MAY USE THE CERTIFICATION FOR PROMOTIONAL, CIVIC,  
17 PUBLIC RELATIONS OR PUBLIC INVOLVEMENT PURPOSES.

18 C. NOTWITHSTANDING SECTION 41-3102, THIS PROGRAM DOES NOT INCLUDE A  
19 SPECIFIC EXPIRATION DATE.

20 49-457.03. Off-road vehicles; pollution advisory days;  
21 applicability; penalties

22 A. IN AREA A, AS DEFINED IN SECTION 49-541, A PERSON SHALL NOT OPERATE  
23 AN OFF-HIGHWAY VEHICLE, AN ALL-TERRAIN VEHICLE OR AN OFF-ROAD RECREATIONAL  
24 MOTOR VEHICLE ON AN UNPAVED SURFACE THAT IS NOT A PUBLIC OR PRIVATE ROAD,  
25 STREET OR LAWFUL EASEMENT DURING ANY HIGH POLLUTION ADVISORY DAY FORECAST FOR  
26 PARTICULATE MATTER BY THE DEPARTMENT.

27 B. THIS SECTION DOES NOT APPLY TO:

28 1. AN EVENT THAT IS INTENDED FOR OFF-HIGHWAY VEHICLES, ALL-TERRAIN  
29 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES AND THAT IS ENDORSED,  
30 AUTHORIZED, PERMITTED OR SPONSORED BY A PUBLIC AGENCY, THAT OCCURS ON A  
31 DESIGNATED ROUTE OR AREA AND THAT INCLUDES DUST ABATEMENT MEASURES AT ALL  
32 STAGING AREAS, PARKING AREAS AND ENTRANCES.

33 2. AN EVENT THAT OCCURS AT A FACILITY FOR WHICH AN ADMISSION OR USER  
34 FEE IS CHARGED AND THAT INCLUDES DUST ABATEMENT MEASURES.

35 3. A CLOSED COURSE THAT IS MAINTAINED WITH DUST ABATEMENT MEASURES.

36 4. AN OFF-HIGHWAY VEHICLE, ALL-TERRAIN VEHICLE OR OFF-ROAD  
37 RECREATIONAL MOTOR VEHICLE USED IN THE NORMAL COURSE OF BUSINESS OR THE  
38 NORMAL COURSE OF GOVERNMENT OPERATIONS.

39 5. GOLF CARTS THAT ARE USED AS PART OF A PRIVATE OR PUBLIC GOLF COURSE  
40 OPERATION.

41 C. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:

42 1. A WARNING FOR THE FIRST VIOLATION.

43 2. THE IMPOSITION OF A CIVIL PENALTY OF FIFTY DOLLARS FOR THE SECOND  
44 VIOLATION.

45 3. THE IMPOSITION OF A CIVIL PENALTY OF ONE HUNDRED DOLLARS FOR THE  
46 THIRD VIOLATION.

1 4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR  
2 THE FOURTH OR ANY SUBSEQUENT VIOLATION.

3 D. FOR VIOLATIONS OF THIS SECTION, THE CONTROL OFFICER OR OTHER  
4 ENFORCEMENT OFFICER SHALL USE A UNIFORM CIVIL TICKET AND COMPLAINT  
5 SUBSTANTIALLY SIMILAR TO A UNIFORM TRAFFIC TICKET AND COMPLAINT PRESCRIBED BY  
6 THE RULES OF PROCEDURE IN CIVIL TRAFFIC CASES ADOPTED BY THE SUPREME COURT.  
7 THE CONTROL OFFICER OR OTHER ENFORCEMENT OFFICER MAY ISSUE CITATIONS TO  
8 PERSONS IN VIOLATION OF THIS SECTION.

9 49-457.04. Off-highway vehicle and all-terrain vehicle dealers;  
10 informational material; outreach; applicability

11 A. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS  
12 OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR  
13 VEHICLES, OTHER THAN GOLF CARTS SOLD TO PUBLIC OR PRIVATE GOLF COURSES, SHALL  
14 PROVIDE TO THE BUYER OR RENTER OF THE VEHICLE PRINTED MATERIALS THAT ARE  
15 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

16 B. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE  
17 MATERIALS TO PERSONS WHO SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN  
18 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES. THE PRINTED MATERIALS  
19 SHALL BE DESIGNED TO EDUCATE AND INFORM THE USER OF THE VEHICLE ON METHODS  
20 FOR REDUCING THE GENERATION OF DUST AND SHALL INCLUDE INFORMATION REGARDING  
21 DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE APPLICABLE. THE  
22 DEPARTMENT SHALL MAKE AVAILABLE ON THE DEPARTMENT'S WEBSITE THE PRINTED  
23 MATERIALS IN A FORMAT THAT IS ACCESSIBLE TO THE PUBLIC.

24 C. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION  
25 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE  
26 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A  
27 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

28 Sec. 16. Section 49-474.01, Arizona Revised Statutes, is amended to  
29 read:

30 49-474.01. Additional board duties in vehicle emissions control  
31 areas; definitions

32 A. The board of supervisors of a county which contains any portion of  
33 area A or area B as defined in section 49-541 shall:

34 1. In area A, in consultation with the designated metropolitan  
35 planning organization, synchronize traffic control signals on all existing  
36 and new roadways, within the unincorporated area and at jurisdictional  
37 boundaries, which have a traffic flow exceeding fifteen thousand motor  
38 vehicles per day.

39 2. In area A, beginning ~~on~~ January 1, 2000, develop and implement  
40 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on  
41 targeted arterials. The plans shall address the performance goals, the  
42 criteria for targeting roads, alleys and arterials, a schedule for  
43 implementation, funding options and reporting requirements.

44 3. In area A, acquire or utilize vacuum systems or other dust removal  
45 technology to reduce the particulates attributable to conventional crack  
46 sealing operations as existing equipment is retired.

1           4. IN AREA A, BEGINNING JANUARY 1, 2008, DEVELOP AND IMPLEMENT PLANS  
2 TO STABILIZE TARGETED UNPAVED ROADS, ALLEYS AND UNPAVED SHOULDERS ON TARGETED  
3 ARTERIALS. THE PLANS SHALL ADDRESS THE PERFORMANCE GOALS, THE CRITERIA FOR  
4 TARGETING THE ROADS, ALLEYS AND SHOULDERS, A SCHEDULE FOR IMPLEMENTATION,  
5 FUNDING OPTIONS AND REPORTING REQUIREMENTS. PRIORITY SHALL BE GIVEN TO THE  
6 FOLLOWING:

7           (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

8           (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE  
9 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED  
10 TRAFFIC VOLUME.

11           5. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY  
12 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION  
13 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS  
14 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,  
15 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008,  
16 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE  
17 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER  
18 THAN RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE  
19 OR MORE OF THE FOLLOWING DUSTPROOF PAVING METHODS:

20           (a) ASPHALTIC CONCRETE.

21           (b) CEMENT CONCRETE.

22           (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF  
23 BITUMINOUS BINDER AND A MINERAL AGGREGATE.

24           (d) A STABILIZATION METHOD APPROVED BY THE COUNTY.

25           6. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY  
26 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION  
27 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS  
28 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,  
29 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009,  
30 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE  
31 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS THREE THOUSAND SQUARE  
32 FEET OR MORE IN SIZE AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE  
33 MAINTAINED WITH A PAVING OR STABILIZATION METHOD AUTHORIZED BY THE COUNTY BY  
34 CODE, ORDINANCE OR PERMIT.

35           7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR  
36 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR  
37 UNSTABILIZED VACANT LOTS.

38           8. IN AREA A, REQUIRE THAT NEW OR RENEWED CONTRACTS FOR STREET  
39 SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH STREET SWEEPERS THAT MEET THE  
40 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1186 STREET SWEEPER  
41 CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY AND PM-10 EMISSIONS IN  
42 EFFECT ON JANUARY 1, 2007.

43           ~~4.~~ 9. In area B, synchronize traffic control signals on roadways with  
44 a traffic flow exceeding fifteen thousand motor vehicles per day.

45           ~~5.~~ 10. Implement adjusted work hours for at least eighty-five per  
46 cent of county employees in area A each year beginning October 1 and ending

1 April 1 in order to reduce the level of carbon monoxide concentrations caused  
2 by vehicular travel.

3 11. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR  
4 ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE ENVIRONMENTAL  
5 PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA  
6 THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN  
7 MARCH 31, 2008, ADOPT RULE PROVISIONS, AND, NO LATER THAN OCTOBER 1, 2008,  
8 COMMENCE ENFORCEMENT OF THOSE RULE PROVISIONS REGARDING THE STABILIZATION OF  
9 DISTURBED SURFACES OF VACANT LOTS THAT INCLUDE THE FOLLOWING:

10 (a) REASONABLE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED  
11 AGENT OR THE OWNER'S STATUTORY AGENT THAT THE UNPAVED DISTURBED SURFACE OF A  
12 VACANT LOT IS REQUIRED TO BE STABILIZED. THE NOTICE SHALL BE GIVEN NOT LESS  
13 THAN THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE AND SHALL INCLUDE A LEGAL  
14 DESCRIPTION OF THE PROPERTY AND THE ESTIMATED COST TO THE COUNTY FOR THE  
15 STABILIZATION IF THE OWNER DOES NOT COMPLY. THE NOTICE SHALL BE EITHER  
16 PERSONALLY SERVED OR MAILED BY CERTIFIED MAIL TO THE OWNER'S STATUTORY AGENT,  
17 TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS OR TO THE ADDRESS TO WHICH THE  
18 TAX BILL FOR THE PROPERTY WAS LAST MAILED.

19 (b) AUTHORITY FOR THE COUNTY TO ENTER THE LOT TO STABILIZE THE  
20 DISTURBED SURFACE AT THE EXPENSE OF THE OWNER IF THE VACANT LOT HAS NOT BEEN  
21 STABILIZED BY THE DAY SET FOR COMPLIANCE.

22 (c) METHODS FOR STABILIZATION OF THE DISTURBED SURFACE OF THE VACANT  
23 LOT, THE ACTUAL COST OF STABILIZATION AND THE FINE THAT MAY BE IMPOSED FOR A  
24 VIOLATION OF THIS SECTION.

25 B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 11 OF THIS SECTION:

26 1. "DISTURBED SURFACE" MEANS A PORTION OF THE EARTH'S SURFACE OR  
27 MATERIAL PLACED ON THE EARTH'S SURFACE THAT HAS BEEN PHYSICALLY MOVED,  
28 UNCOVERED, DESTABILIZED OR OTHERWISE MODIFIED FROM ITS UNDISTURBED NATIVE  
29 CONDITION IF THE POTENTIAL FOR THE EMISSION OF FUGITIVE DUST IS INCREASED BY  
30 THE MOVEMENT, DESTABILIZATION OR MODIFICATION.

31 2. VACANT LOTS DO NOT INCLUDE ANY SITE OF DISTURBED SURFACE AREA THAT  
32 IS SUBJECT TO A PERMIT ISSUED BY A CONTROL OFFICER THAT REQUIRES CONTROL OF  
33 PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

34 ~~B.~~ C. The board of supervisors of a county that contains any portion  
35 of area A as defined in section 49-541 shall make and enforce ordinances  
36 consistent with section 49-588 to reduce or encourage the reduction of the  
37 commuter use of motor vehicles by employees of the county and employees whose  
38 place of employment is within area A.

39 ~~C.~~ D. The board of supervisors in a county that contains any portion  
40 of area A shall develop and implement a vehicle fleet plan for the purpose of  
41 encouraging and progressively increasing the use of alternative fuels and  
42 clean burning fuels in county owned vehicles operating in area A.

43 ~~D.~~ E. The plan shall include a timetable for increasing the use of  
44 alternative fuels and clean burning fuels in fleet vehicles either through  
45 purchase or conversion. The timetable shall reflect the following schedule

1 and percentage of vehicles that operate on alternative fuels or clean burning  
2 fuels:

- 3 1. At least eighteen per cent of the total fleet by December 31, 1995.
- 4 2. At least twenty-five per cent of the total fleet by December 31,  
5 1996.
- 6 3. At least fifty per cent of the total fleet by December 31, 1998.
- 7 4. At least seventy-five per cent of the total fleet by December 31,  
8 2000 and each year thereafter.

9 ~~E~~ F. The requirements of subsections ~~C~~ D and ~~D~~ E of this section  
10 may be waived on receipt of certification supported by evidence acceptable to  
11 the department that the county is unable to acquire or be provided equipment  
12 or refueling facilities necessary to operate vehicles using alternative fuels  
13 or clean burning fuels at a projected cost that is reasonably expected to  
14 result in net costs of no greater than ten per cent more than the net costs  
15 associated with the continued use of conventional gasoline or diesel fuels  
16 measured over the expected useful life of the equipment or facilities  
17 supplied. Applications for waivers shall be filed with the department  
18 pursuant to section 49-412. An entity that receives a waiver pursuant to  
19 this section shall retrofit fleet heavy-duty diesel vehicles with a gross  
20 vehicle weight of eight thousand five hundred pounds or more, that were  
21 manufactured in or before model year 1993 and that are the subject of the  
22 waiver with a technology that is effective at reducing particulate emissions  
23 at least twenty-five per cent or more and that has been approved by the  
24 United States environmental protection agency pursuant to the urban bus  
25 engine retrofit/rebuild program. The entity shall comply with the  
26 implementation schedule pursuant to section 49-555.

27 ~~F~~ G. If the requirements of subsections ~~C~~ D and ~~D~~ E of this  
28 section are met by the use of clean burning fuel, vehicle equivalents under  
29 those requirements shall be calculated as follows:

- 30 1. One vehicle equivalent for every four hundred fifty gallons of neat  
31 biodiesel or two thousand two hundred fifty gallons of a diesel fuel  
32 substitute prescribed in section 1-215, paragraph 7, subdivision (b).
- 33 2. One vehicle equivalent for every five hundred thirty gallons of the  
34 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

35 H. SUBSECTION A, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION DO NOT APPLY TO  
36 ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION  
37 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

38 ~~G~~ I. For the purposes of this section, "alternative fuel" and "clean  
39 burning fuel" have the same meanings prescribed in section 1-215.

40 Sec. 17. Title 49, chapter 3, article 3, Arizona Revised Statutes, is  
41 amended by adding sections 49-474.05, 49-474.06 and 49-474.07, to read:

42 49-474.05. Dust control; training; site coordinators

43 A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION  
44 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE  
45 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A  
46 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

1 B. NO LATER THAN JANUARY 1, 2008, THE CONTROL OFFICER SHALL DEVELOP  
2 AND IMPLEMENT BASIC AND COMPREHENSIVE TRAINING PROGRAMS FOR THE SUPPRESSION  
3 OF PM-10 EMISSIONS FROM SOURCES OF PM-10 THAT ARE SUBJECT TO A PERMIT ISSUED  
4 BY A CONTROL OFFICER THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST  
5 GENERATING OPERATIONS. THE CONTROL OFFICER MAY APPROVE TRAINING DEVELOPED  
6 AND PROVIDED BY A THIRD PARTY AND THE BOARD OF SUPERVISORS MAY ADOPT RULES  
7 PRESCRIBING STANDARDS FOR DUST CONTROL TRAINING.

8 C. AT LEAST ONCE EVERY THREE YEARS, THE FOLLOWING PERSONS ARE REQUIRED  
9 TO SUCCESSFULLY COMPLETE BASIC DUST CONTROL TRAINING:

10 1. THE SITE SUPERINTENDENT OR OTHER DESIGNATED ON-SITE REPRESENTATIVE  
11 OF THE PERMIT HOLDER IF PRESENT AT A SITE THAT HAS MORE THAN ONE ACRE OF  
12 DISTURBED SURFACE AREA THAT IS SUBJECT TO A PERMIT ISSUED BY A CONTROL  
13 OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

14 2. WATER TRUCK AND WATER PULL DRIVERS.

15 D. PERSONS WHO ARE REQUIRED TO BE TRAINED UNDER THIS SECTION SHALL  
16 COMPLETE THE TRAINING NO LATER THAN DECEMBER 31, 2008. ALL PERSONS WHO HAVE  
17 SUCCESSFULLY COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE  
18 DEEMED TO HAVE SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED  
19 WAS CONDUCTED OR APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.  
20 COMPLETION OF THE TRAINING REQUIRED UNDER SUBSECTION G SATISFIES THE  
21 REQUIREMENTS OF THIS SUBSECTION.

22 E. NO LATER THAN JUNE 30, 2008, THE PERMITTEE FOR ANY SITE OF FIVE  
23 ACRES OR MORE OF DISTURBED SURFACE AREA SUBJECT TO A PERMIT ISSUED BY A  
24 CONTROL OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING  
25 OPERATIONS SHALL HAVE ON SITE AT LEAST ONE DUST CONTROL COORDINATOR TRAINED  
26 IN ACCORDANCE WITH THIS SECTION AT ALL TIMES DURING PRIMARY DUST GENERATING  
27 OPERATIONS RELATED TO THE PURPOSES FOR WHICH THE DUST CONTROL PERMIT WAS  
28 OBTAINED.

29 F. A DUST CONTROL COORDINATOR HAS FULL AUTHORITY TO ENSURE THAT DUST  
30 CONTROL MEASURES ARE IMPLEMENTED ON SITE, INCLUDING CONDUCTING INSPECTIONS,  
31 DEPLOYMENT OF DUST SUPPRESSION RESOURCES AND MODIFICATION OR SHUTDOWN OF  
32 ACTIVITIES AS NEEDED TO CONTROL DUST. THE DUST CONTROL COORDINATOR SHALL BE  
33 RESPONSIBLE FOR MANAGING DUST PREVENTION AND DUST CONTROL ON THE SITE.

34 G. AT LEAST ONCE EVERY THREE YEARS, THE DUST CONTROL COORDINATOR SHALL  
35 SUCCESSFULLY COMPLETE A COMPREHENSIVE DUST CONTROL CLASS CONDUCTED OR  
36 APPROVED UNDER SUBSECTION A BY THE COUNTY AIR POLLUTION CONTROL OFFICER WITH  
37 JURISDICTION OVER THE SITE. THE DUST CONTROL COORDINATOR SHALL HAVE A VALID  
38 DUST TRAINING CERTIFICATION IDENTIFICATION CARD READILY ACCESSIBLE ON SITE  
39 WHILE ACTING AS A DUST CONTROL COORDINATOR. ALL PERSONS HAVING SUCCESSFULLY  
40 COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE DEEMED TO HAVE  
41 SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED WAS CONDUCTED OR  
42 APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.

43 H. SUBSECTIONS C AND D DO NOT APPLY WHEN ON-SITE DUST GENERATING  
44 OPERATIONS ARE CONDUCTED BY A PERMITTEE WHO IS REQUIRED TO OBTAIN A SINGLE  
45 PERMIT FOR MULTIPLE NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER  
46 AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS.

1 I. THE REQUIREMENTS OF SUBSECTIONS E AND F LAPSE IF ALL OF THE  
2 FOLLOWING APPLY:

3 1. THE AREA OF THE DISTURBED SURFACE AREA IS LESS THAN FIVE ACRES.

4 2. THE PREVIOUSLY DISTURBED AREAS ARE STABILIZED IN ACCORDANCE WITH  
5 THE REQUIREMENTS OF APPLICABLE RULES.

6 3. THE PERMITTEE PROVIDES NOTICE OF THE ACREAGE STABILIZED TO THE  
7 CONTROL OFFICER.

8 J. PERMITTEES WHO ARE REQUIRED TO OBTAIN A SINGLE PERMIT FOR MULTIPLE  
9 NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER AND THAT REQUIRES  
10 CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS SHALL HAVE ON  
11 SITES WITH GREATER THAN ONE ACRE OF DISTURBED SURFACE AREA AT LEAST ONE  
12 INDIVIDUAL WHO IS DESIGNATED BY THE PERMITTEE AS A DUST CONTROL COORDINATOR  
13 TRAINED IN ACCORDANCE WITH SUBSECTION C. THE DUST CONTROL COORDINATOR SHALL  
14 BE PRESENT ON SITE AT ALL TIMES DURING PRIMARY DUST GENERATING ACTIVITIES  
15 THAT ARE RELATED TO THE PURPOSES FOR WHICH THE PERMIT WAS OBTAINED. THIS  
16 SUBSECTION DOES NOT APPLY TO PERMITTEES SUBJECT TO SUBSECTIONS B AND C.

17 49-474.06. Dust control; subcontractor registration; fee

18 A. IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A  
19 SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS  
20 A SERIOUS PM-10 NONATTAINMENT AREA, A SUBCONTRACTOR WHO IS ENGAGED IN DUST  
21 GENERATING OPERATIONS AT A SITE THAT IS SUBJECT TO A PERMIT THAT IS ISSUED BY  
22 A CONTROL OFFICER AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST  
23 GENERATING OPERATIONS SHALL REGISTER WITH THE CONTROL OFFICER BY SUBMITTING  
24 INFORMATION IN THE MANNER PRESCRIBED BY THE CONTROL OFFICER. THE CONTROL  
25 OFFICER SHALL ISSUE A REGISTRATION NUMBER AFTER PAYMENT OF THE FEE AUTHORIZED  
26 UNDER SUBSECTION C.

27 B. THE SUBCONTRACTOR SHALL HAVE ITS REGISTRATION NUMBER READILY  
28 ACCESSIBLE ON SITE WHILE CONDUCTING ANY DUST GENERATING OPERATIONS.

29 C. THE CONTROL OFFICER MAY ESTABLISH AND ASSESS A FEE FOR THE  
30 REGISTRATION REQUIRED UNDER SUBSECTION A BASED ON THE TOTAL COST OF  
31 PROCESSING THE REGISTRATION AND ISSUANCE OF A REGISTRATION NUMBER.

32 49-474.07. Voluntary diesel equipment retrofit program;  
33 criteria; inventory; permits

34 A. A COUNTY WITH A POPULATION OF MORE THAN FOUR HUNDRED THOUSAND  
35 PERSONS SHALL OPERATE AND ADMINISTER A VOLUNTARY DIESEL EMISSIONS RETROFIT  
36 PROGRAM IN THE COUNTY FOR THE PURPOSE OF REDUCING PARTICULATE EMISSIONS FROM  
37 DIESEL EQUIPMENT. THE PROGRAM SHALL PROVIDE FOR REAL AND QUANTIFIABLE  
38 EMISSIONS REDUCTIONS BASED ON ACTUAL EMISSIONS REDUCTIONS BY AN AMOUNT  
39 GREATER THAN THAT ALREADY REQUIRED BY APPLICABLE LAW, RULE, PERMIT OR ORDER  
40 AND COMPUTED BASED ON THE PERCENTAGE EMISSIONS REDUCTIONS FROM THE TESTING OF  
41 THE DIESEL RETROFIT EQUIPMENT PRESCRIBED IN SUBSECTION C AS APPLIED TO THE  
42 RATED EMISSIONS OF THE ENGINE AND USING THE STANDARD OPERATING HOURS OF THE  
43 EQUIPMENT.

44 B. A PERSON MAY PARTICIPATE IN THE PROGRAM IF BOTH OF THE FOLLOWING  
45 APPLY:



1           1. THE PERSON IS THE OWNER OF DIESEL POWERED EQUIPMENT THAT REQUIRES A  
2 PERMIT ISSUED PURSUANT TO THIS ARTICLE FOR LAWFUL OPERATION.

3           2. THE PERSON REPORTS TO THE CONTROL OFFICER ON THE TYPE OF EQUIPMENT  
4 THAT IS RETROFITTED, PROVIDES A METHOD FOR CALCULATING THE EMISSIONS  
5 REDUCTIONS ACHIEVED THAT IS APPROVED BY THE CONTROL OFFICER AND PROVIDES  
6 EVIDENCE THAT THE RETROFITTED EQUIPMENT IS ACTUALLY USED IN A MANNER THAT  
7 RESULTS IN LOWER PARTICULATE EMISSIONS WITH NO INCREASE IN EMISSIONS OF OTHER  
8 POLLUTANTS.

9           C. THE VOLUNTARY DIESEL RETROFIT PROGRAM SHALL PROVIDE FOR THE  
10 FOLLOWING:

11           1. EACH PERSON WHO PARTICIPATES SHALL ALLOCATE TO THE AIR QUALITY  
12 EMISSIONS REDUCTION INVENTORY FOR THAT COUNTY ONE-HALF OF THE TOTAL  
13 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF  
14 DIESEL EQUIPMENT OPERATING AT THE PERMITTED SITE WHETHER OR NOT THAT  
15 EQUIPMENT IS REQUIRED TO HAVE A PERMIT.

16           2. EACH PERSON WHO PARTICIPATES SHALL RETAIN ONE-HALF OF THE TOTAL  
17 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF  
18 EQUIPMENT AT THE SITE FOR PURPOSES OF RECEIVING A MODIFICATION TO AN EXISTING  
19 PERMIT OR A PROVISION IN A NEW PERMIT THAT ALLOWS FOR EXTENDED HOURS OF  
20 OPERATION FOR THE PERMITTED EQUIPMENT, AS COMPARED TO THE EXISTING PERMIT, OR  
21 FOR NEW PERMITS, AS COMPARED TO PERMITS FOR SIMILAR EQUIPMENT.

22           3. THE DIESEL EMISSIONS REDUCTION EQUIPMENT THAT IS RETROFITTED SHALL  
23 BE REGISTERED WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH NOTICE TO THE  
24 APPLICABLE COUNTY, SHALL BE TESTED WITH AN ISO 8178 TEST BY A PROPERLY  
25 EQUIPPED LABORATORY AND SHALL DEMONSTRATE AT LEAST A THIRTY-FIVE PER CENT  
26 REDUCTION IN PARTICULATE POLLUTION WITH NO INCREASE IN THE GENERATION OR  
27 EMISSION OF OTHER REGULATED POLLUTANTS. THIS PARAGRAPH APPLIES WITHOUT  
28 REGARD TO WHETHER THE PARTICIPANT IS REQUIRED TO OBTAIN AN AIR QUALITY PERMIT  
29 FOR THE EQUIPMENT.

30           4. THE CONTROL OFFICER SHALL PROVIDE A METHOD FOR DETERMINING THE  
31 PARTICIPANT'S ELIGIBILITY FOR THE PROGRAM AND FOR THE MODIFICATION OF  
32 EXISTING PERMITS OR FOR INCORPORATING THIS PROGRAM'S PROVISIONS INTO THE  
33 TERMS OF ANY APPLICABLE NEW PERMITS AS WELL AS ANY REPORTING REQUIREMENTS TO  
34 ENSURE CONTINUED USE OF THE EMISSIONS REDUCTION MEASURES.

35           D. THIS SECTION DOES NOT AUTHORIZE A PERMIT CONDITION OR A  
36 MODIFICATION TO A PERMIT CONDITION THAT WOULD VIOLATE A REQUIREMENT OF THE  
37 CLEAN AIR ACT, THIS CHAPTER OR A RULE ADOPTED UNDER THIS CHAPTER, INCLUDING  
38 THE NATIONAL AMBIENT AIR QUALITY STANDARDS. THIS SECTION DOES NOT AUTHORIZE  
39 THE USE OF REDUCTIONS IN MOBILE SOURCE EMISSIONS FOR PURPOSES OF DETERMINING  
40 THE APPLICABILITY OF NEW SOURCE REVIEW REQUIREMENTS.

41           Sec. 18. Section 49-501, Arizona Revised Statutes, is amended to read:

42           49-501. Unlawful open burning; exceptions; fine; definition

43           A. Notwithstanding the provisions of any other section of this  
44 article: ,-

1           1. It is unlawful for any person to ignite, cause to be ignited,  
2 permit to be ignited, or suffer, allow, or maintain any open outdoor fire  
3 except as provided in this section.

4           2. FROM MAY 1 THROUGH SEPTEMBER 30 EACH YEAR, IT IS UNLAWFUL FOR ANY  
5 PERSON TO IGNITE, CAUSE TO BE IGNITED, PERMIT TO BE IGNITED OR SUFFER, ALLOW  
6 OR MAINTAIN ANY OPEN OUTDOOR FIRE IN AREA A AS DEFINED IN SECTION 49-541.

7           ~~C.~~ B. The following fires are excepted from ~~the provisions of~~ this  
8 section:

9           1. Fires used only for cooking of food or for providing warmth for  
10 human beings ~~or for recreational purposes~~ or the branding of animals or the  
11 use of orchard heaters for the purpose of frost protection in farming or  
12 nursery operations.

13           2. Any fire set or permitted by any public officer in the performance  
14 of official duty, if such fire is set or permission given for the purpose of  
15 weed abatement, the prevention of a fire hazard, or instruction in the  
16 methods of fighting fires.

17           3. Fires set by or permitted by the director of the department of  
18 agriculture or county agricultural agents of the county for the purpose of  
19 disease and pest prevention.

20           4. Fires set by or permitted by the federal government or any of its  
21 departments, agencies or agents or the state or any of its agencies,  
22 departments or political subdivisions for the purpose of watershed  
23 rehabilitation or control through vegetative manipulation.

24           5. Fires permitted by any rule or regulation issued pursuant to this  
25 article, by any conditional permit issued by a hearing board established  
26 under this article or by any rule or conditional permit issued pursuant to  
27 article 2 of this chapter when the department of environmental quality  
28 pursuant to section 49-402 has assumed jurisdiction of the county in which  
29 the fire is located.

30           6. Fires set for the disposal of dangerous materials where there is no  
31 safe alternate method of disposal.

32           ~~D.~~ C. Permission for the setting of any fire given by a public  
33 officer in the performance of official duty under subsection ~~C.~~ B, paragraph  
34 2, 3 or 4 OF THIS SECTION shall be given in writing and a copy of the written  
35 permission shall be transmitted immediately to the director OF ENVIRONMENTAL  
36 QUALITY and the control officer of the county, district or region in which  
37 such fire is allowed. The setting of any such fire shall be conducted in a  
38 manner and at such time as approved by the control officer or the director OF  
39 ENVIRONMENTAL QUALITY, unless doing so would defeat the purpose of the  
40 exemption.

41           ~~E.~~ D. Notwithstanding section 49-107, the director may delegate  
42 authority for the issuance of open burning permits to a county, city, town or  
43 fire district. A county, city, town or fire district that has been delegated  
44 authority for the issuance of open burning permits may assign the issuance of  
45 these permits to a private fire protection service provider that performs  
46 fire protection services within that county, city, town or fire district.

1 Any private fire protection service provider that is authorized to issue open  
2 burning permits pursuant to this subsection shall maintain a copy of all  
3 currently effective permits issued including a means of contacting the person  
4 authorized by the permit to set the fire in the event that an order to  
5 extinguish the open burning is issued. Permits issued pursuant to this  
6 subsection shall contain both of the following:

7 1. Conditions that limit the manner and time of setting the fire and  
8 that are consistent with this section and rules adopted pursuant to this  
9 section.

10 2. A provision that all burning be extinguished at the discretion of  
11 the director or the director's authorized representative during periods of  
12 inadequate atmospheric smoke dispersion, periods of excessive visibility  
13 impairment that could adversely affect public safety or periods when smoke is  
14 blown into populated areas so as to create a public nuisance.

15 ~~F.~~ E. The director may issue a general permit to allow persons  
16 engaged in farming or ranching on forty acres or more in an unincorporated  
17 area to burn household waste, as defined in section 49-701, that is generated  
18 on site, if no household waste collection and disposal service is available.  
19 The general permit shall include the following:

20 1. Conditions governing the method, manner and times for burning.

21 2. Limitation on materials which may be burned, including a  
22 prohibition on burning of materials which generate noxious fumes.

23 3. A requirement that any person seeking coverage under the general  
24 permit shall register with the director on a form prescribed by the director.  
25 Upon receipt of a registration form, the director shall notify the county in  
26 which the farm or ranch is located of such registration.

27 4. A statement that the director, a local air pollution control  
28 officer, or any other public officer may order the extinguishment of burning  
29 or may prohibit burning during periods of inadequate smoke dispersion  
30 or excessive visibility impairment or at other times when public health or  
31 safety could be adversely affected.

32 ~~G.~~ F. Nothing in this section is intended to permit any practice  
33 which is a violation of any statute, ordinance, rule or regulation in a  
34 county with a population in excess of one million two hundred thousand  
35 persons. ~~according to the most recent United States decennial census.~~  
36 NOTWITHSTANDING ANY OTHER LAW, SUCH A COUNTY SHALL PROHIBIT BY ORDINANCE THE  
37 USE OF WOOD BURNING CHIMINEAS, OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES ON  
38 THOSE DAYS FOR WHICH THE COUNTY HAS ISSUED A NO BURN DAY RESTRICTION.

39 ~~H.~~ G. A person who violates any provision of this section may be  
40 served a notice of violation and be subject to the enforcement provisions of  
41 this article to the same extent as a person violating any rule or regulation  
42 adopted pursuant to this article, EXCEPT THAT A VIOLATION THAT LASTS NO MORE  
43 THAN TWENTY-FOUR HOURS AND THAT IS THE FIRST VIOLATION COMMITTED BY THAT  
44 PERSON IS SUBJECT TO A CIVIL PENALTY OF NO MORE THAN FIVE HUNDRED DOLLARS.

45 ~~I. Any violation of this section shall be punishable by a fine not to~~  
46 ~~exceed twenty-five dollars.~~

1           ~~B.~~ H. FOR THE PURPOSES OF THIS SECTION, "open outdoor fire", ~~as used~~  
2 ~~in this section,~~ means any combustion of combustible material of any type  
3 outdoors, in the open where the products of combustion are not directed  
4 through a flue. FOR THE PURPOSES OF THIS SUBSECTION, "flue", ~~as used in~~  
5 ~~this subsection,~~ means any duct or passage for air, gases or the like, such  
6 as a stack or chimney.

7           Sec. 19. Section 49-542, Arizona Revised Statutes, as amended by Laws  
8 2007, chapter 171, section 5, is amended to read:

9           49-542. Emissions inspection program; powers and duties of  
10                                   director; administration; periodic inspection;  
11                                   minimum standards and rules; exceptions; definition

12           A. The director shall administer a comprehensive annual or biennial  
13 emissions inspection program which shall require the inspection of vehicles  
14 in this state pursuant to this article and applicable administrative rules.  
15 Such inspection is required in area A and area B, for those vehicles owned by  
16 a person who is subject to section 15-1444 or 15-1627 and for those vehicles  
17 registered outside of area A or area B but used to commute to the driver's  
18 principal place of employment located within area A or area B. Inspection in  
19 other counties of the state shall commence upon application by a county board  
20 of supervisors for participation in such inspection program, subject to  
21 approval by the director. In all counties with a population of three hundred  
22 fifty thousand or fewer persons according to the most recent United States  
23 decennial census, except for the portion of counties that contain any portion  
24 of area A, the director shall as conditions dictate provide for testing to  
25 determine the effect of vehicle related pollution on ambient air quality in  
26 all communities with a metropolitan area population of twenty thousand  
27 persons or more according to the most recent United States decennial census.  
28 If such testing detects the violation of state ambient air quality standards  
29 by vehicle related pollution, the director shall forward a full report of  
30 such violation to the president of the senate, the speaker of the house of  
31 representatives and the governor.

32           B. The state's annual or biennial emissions inspection program shall  
33 provide for vehicle inspections at official emissions inspection stations or  
34 at fleet emissions inspection stations. Each inspection station in area A  
35 shall employ at least one mechanic who is available during the station's  
36 hours of operation to provide technical advice and assistance for persons who  
37 fail the emissions test. The director may enter into agreements with the  
38 department of transportation or with county assessors for the use of official  
39 emissions inspection stations for the purpose of conducting vehicle  
40 registrations. An official or fleet emissions inspection station permit  
41 shall not be sold, assigned, transferred, conveyed or removed to another  
42 location except on such terms and conditions as the director may prescribe.

43           C. Vehicles required to be inspected and registered in this state,  
44 except those provided for in section 49-546, shall be inspected, for the  
45 purpose of complying with the registration or reregistration requirement  
46 pursuant to subsection D of this section, in accordance with the provisions

1 of this article no more than ninety days prior to each reregistration  
2 expiration date. A vehicle may be submitted voluntarily for inspection more  
3 than ninety days before the reregistration expiration date on payment of the  
4 prescribed inspection fee. Such voluntary inspection shall not be considered  
5 as compliance with the registration or reregistration requirement pursuant to  
6 subsection D of this section.

7 D. A vehicle shall not be registered or reregistered until such  
8 vehicle has passed the emissions inspection, ~~and~~ the tampering inspection  
9 prescribed in subsection G of this section **AND THE LIQUID FUEL LEAK**  
10 **INSPECTION PRESCRIBED IN SUBSECTION Z OF THIS SECTION** or has been issued a  
11 certificate of waiver. A certificate of waiver shall only be issued one time  
12 to a vehicle after January 1, 1997. If any vehicle to be registered or  
13 reregistered is being sold by a dealer licensed to sell motor vehicles  
14 pursuant to title 28, the cost of any inspection and any repairs necessary to  
15 pass the inspection shall be borne by the dealer. A dealer who is licensed  
16 to sell motor vehicles pursuant to title 28 and whose place of business is  
17 located in area A or area B shall not deliver any vehicle to the retail  
18 purchaser until the vehicle passes any inspection required by this article or  
19 the vehicle is exempt under subsection J of this section.

20 E. On the registration or reregistration of a vehicle which has  
21 complied with the minimum emissions standards pursuant to this section or is  
22 otherwise exempt under this section, the registering officer shall issue an  
23 air quality compliance sticker to the registered owner which shall be placed  
24 on the vehicle as prescribed by rule adopted by the department of  
25 transportation or issue a modified year validating tab as prescribed by rule  
26 adopted by the department of transportation. Those persons who reside  
27 outside of area A or area B but who elect to test their vehicle or are  
28 required to test their vehicle pursuant to this section and who comply with  
29 the minimum emissions standards pursuant to this section or are otherwise  
30 exempt under this section shall remit a compliance form, as prescribed by the  
31 department of transportation, and proof of compliance issued at an official  
32 emissions inspection station to the department of transportation along with  
33 the appropriate fees. The department of transportation shall then issue the  
34 person an air quality compliance sticker which shall be placed on the vehicle  
35 as prescribed by rule adopted by the department of transportation. The  
36 registering officer or the department of transportation shall collect an air  
37 quality compliance fee of twenty-five cents. The registering officer or the  
38 department of transportation shall deposit, pursuant to sections 35-146 and  
39 35-147, the air quality compliance fee in the state highway fund established  
40 by section 28-6991. The department of transportation shall deposit, pursuant  
41 to sections 35-146 and 35-147, any emissions inspection fee in the emissions  
42 inspection fund. The provisions of this subsection do not apply to those  
43 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale  
44 of vehicles between motor vehicle dealers or vehicles leased to a person  
45 residing outside of area A or area B by a leasing company whose place of  
46 business is in area A or area B.

1 F. The director shall adopt minimum emissions standards pursuant to  
2 section 49-447 with which the various classes of vehicles shall be required  
3 to comply as follows:

4 1. For the purpose of determining compliance with minimum emissions  
5 standards in area B:

6 (a) A motor vehicle manufactured in or before the 1980 model year,  
7 other than a diesel powered vehicle, shall be required to take and pass the  
8 curb idle test condition. A diesel powered vehicle is subject to only a  
9 loaded test condition. The conditioning mode shall, at the option of the  
10 vehicle owner or owner's agent, be administered only after the vehicle has  
11 failed the curb idle test condition. Upon completion of such conditioning  
12 mode, a vehicle that has failed the curb idle test condition may be retested  
13 in the curb idle test condition. If the vehicle passes such retest, it shall  
14 be deemed in compliance with minimum emissions standards unless the vehicle  
15 fails the tampering inspection pursuant to subsection G of this section **OR**  
16 **THE LIQUID LEAK FUEL INSPECTION PURSUANT TO SUBSECTION Z OF THIS SECTION.**

17 (b) A motor vehicle manufactured in or after the 1981 model year,  
18 other than a diesel powered vehicle, shall be required to take and pass the  
19 curb idle test condition and the loaded test condition or an onboard  
20 diagnostic check as may be required pursuant to title II of the clean air  
21 act.

22 2. For purposes of determining compliance with minimum emissions  
23 standards and functional tests in area A:

24 (a) Motor vehicles manufactured in or after model year 1981 with a  
25 gross vehicle weight rating of eighty-five hundred pounds or less, other than  
26 diesel powered vehicles, shall be required to take and pass a transient  
27 loaded emissions test or an onboard diagnostic check as may be required  
28 pursuant to title II of the clean air act.

29 (b) Motor vehicles other than those prescribed by subdivision (a) of  
30 this paragraph and other than diesel powered vehicles shall be required to  
31 take and pass a steady state loaded test and a curb idle emissions test.

32 (c) A diesel powered motor vehicle applying for registration or  
33 reregistration in area A shall be required to take and pass an annual  
34 emissions test conducted at an official emissions inspection station or a  
35 fleet emissions inspection station as follows:

36 (i) A loaded, transient or any other form of test as provided for in  
37 rules adopted by the director for vehicles with a gross vehicle weight rating  
38 of eight thousand five hundred pounds or less.

39 (ii) A test that conforms with the society for automotive engineers  
40 standard J1667 for vehicles with a gross vehicle weight rating of more than  
41 eight thousand five hundred pounds.

42 (d) Motor vehicles by specific class or model year shall be required  
43 to take and pass any of the following tests:

44 (i) An evaporative system purge test.

45 (ii) An evaporative system integrity test.

1 (e) An onboard diagnostic check as may be required pursuant to title  
2 II of the clean air act.

3 3. A motorcycle in area A or any constant four wheel drive vehicle  
4 shall be required to take and pass a curb idle emissions test or an onboard  
5 diagnostic check as required pursuant to title II of the clean air act.

6 4. Fleet operators in area B must comply with this section, except  
7 that used vehicles sold by a motor vehicle dealer who is a fleet operator and  
8 who has been issued a permit under section 49-546 shall be tested as follows:

9 (a) A motor vehicle manufactured in or before the 1980 model year  
10 shall take and pass only the curb idle test condition, except that a diesel  
11 powered vehicle is subject to only a loaded test condition.

12 (b) A motor vehicle manufactured in or after the 1981 model year shall  
13 take and pass the curb idle test condition and a twenty-five hundred  
14 revolutions per minute unloaded test condition.

15 5. Vehicles owned or operated by the United States, this state or a  
16 political subdivision of this state shall comply with this subsection without  
17 regard to whether those vehicles are required to be registered in this state,  
18 except that alternative fuel vehicles of a school district that is located in  
19 area A shall be required to take and pass the curb idle test condition and  
20 the loaded test condition.

21 6. Fleet operators in area A shall comply with this section, except  
22 that used vehicles sold by a motor vehicle dealer who is a fleet operator and  
23 who has been issued a permit pursuant to section 49-546 for purposes of  
24 determining compliance with minimum emission standards in area A shall be  
25 tested as follows:

26 (a) A motor vehicle manufactured in or before the 1980 model year  
27 shall take and pass the curb idle test condition, except that a diesel  
28 powered vehicle is subject to only a loaded test condition.

29 (b) A motor vehicle manufactured in or after the 1981 model year shall  
30 take and pass the curb idle test condition and a two thousand five hundred  
31 revolutions per minute unloaded test condition.

32 7. Beginning on January 1, 2004 and except for any registered owner or  
33 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor  
34 vehicle with a gross vehicle weight of more than twenty-six thousand pounds  
35 and for which gross weight fees are paid pursuant to title 28, chapter 15,  
36 article 2 in area A shall not be allowed to operate in area A unless it was  
37 manufactured in or after the 1988 model year or is powered by an engine that  
38 is certified to meet or surpass emissions standards contained in 40 Code of  
39 Federal Regulations section 86.088-11. This paragraph does not apply to  
40 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

41 8. Beginning on January 1, 2006 for any registered owner or lessee of  
42 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle  
43 with a gross vehicle weight of more than twenty-six thousand pounds and for  
44 which gross weight fees are paid pursuant to title 28, chapter 15, article 2  
45 in area A shall not be allowed to operate in area A unless it was  
46 manufactured in or after the 1988 model year or is powered by an engine that



1 is certified to meet or surpass emissions standards contained in 40 Code of  
2 Federal Regulations section 86.088-11. This paragraph does not apply to  
3 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

4 G. In addition to an emissions inspection, a vehicle is subject to a  
5 tampering inspection on at least a biennial basis if the vehicle was  
6 manufactured after the 1974 model year and the vehicle is not subject to a  
7 transient loaded emissions test or an onboard diagnostic check as required  
8 pursuant to title II of the clean air act. The director shall adopt vehicle  
9 configuration guidelines for the tampering inspection which shall be based on  
10 the original configuration of the vehicle when manufactured. The tampering  
11 inspection shall consist of the following:

12 1. A visual check to determine the presence of properly installed  
13 catalytic converters.

14 2. An examination to determine the presence of an operational air  
15 pump.

16 3. In area A, if the vehicle was manufactured after the 1974 model  
17 year and is not subject to a transient loaded emissions test or an onboard  
18 diagnostic check as required pursuant to title II of the clean air act, a  
19 visual inspection for the presence or malfunction of the positive crankcase  
20 ventilation system and the evaporative control system.

21 H. Vehicles required to be inspected shall undergo a functional test  
22 of the gas cap to determine if the cap holds pressure within limits  
23 prescribed by the director, except for any vehicle that is subject to an  
24 evaporative system integrity test.

25 I. Motor vehicles failing the initial or subsequent test are not  
26 subject to a penalty fee for late registration renewal if the original  
27 testing was accomplished before the expiration date and if the registration  
28 renewal is received by the motor vehicle division or the county assessor  
29 within thirty days of the original test.

30 J. The director may adopt rules for purposes of implementation,  
31 administration, regulation and enforcement of the provisions of this article  
32 including:

33 1. The submission of records relating to the emissions inspection of  
34 vehicles inspected by another jurisdiction in accordance with another  
35 inspection law and the acceptance of such inspection for compliance with the  
36 provisions of this article.

37 2. The exemption from inspection of:

38 (a) A motor vehicle manufactured in or before the 1966 model year.

39 (b) New vehicles originally registered at the time of initial retail  
40 sale and titling in this state pursuant to section 28-2153 or 28-2154.

41 (c) Vehicles registered pursuant to title 28, chapter 7, article 7  
42 or 8.

43 (d) New vehicles before the sixth registration year after initial  
44 purchase or lease.

45 (e) Vehicles which will not be available within the state during the  
46 ninety days prior to registration.

1 (f) Golf carts.

2 (g) Electrically-powered vehicles.

3 (h) Vehicles with an engine displacement of less than ninety cubic  
4 centimeters.

5 (i) The sale of vehicles between motor vehicle dealers.

6 (j) Vehicles leased to a person residing outside of area A or area B  
7 by a leasing company whose place of business is in area A or area B.

8 (k) Collectible vehicles.

9 (l) Motorcycles in area B.

10 3. Compiling and maintaining records of emissions test results after  
11 servicing.

12 4. A procedure which shall allow the vehicle service and repair  
13 industry to compare the calibration accuracy of its emissions testing  
14 equipment with the department's calibration standards.

15 5. Training requirements for automotive repair personnel using  
16 emissions measuring equipment whose calibration accuracy has been compared  
17 with the department's calibration standards.

18 6. Any other rule which may be required to accomplish the provisions  
19 of this article.

20 K. The director shall, after consultation with automobile  
21 manufacturers and the vehicle service and repair industry, establish by rule  
22 a definition of "low emissions tune-up" for motor vehicles subject to  
23 inspection under this article. The definition shall specify repair  
24 procedures which, when implemented, will reduce vehicle emissions.

25 L. The director shall adopt rules which specify that the estimated  
26 retail cost of all recommended maintenance and repairs shall not exceed the  
27 amounts prescribed in this subsection, except that if a vehicle fails a  
28 tampering inspection there is no limit on the cost of recommended maintenance  
29 and repairs. The director shall issue a certificate of waiver for a vehicle  
30 which has failed reinspection, if the director has determined that all  
31 recommended maintenance and repairs have been performed. If, after  
32 reinspection, the director has determined that the vehicle is in compliance  
33 with minimum emissions standards or that all recommended maintenance and  
34 repairs for compliance with minimum emissions standards have been performed,  
35 but that tampering discovered at a tampering inspection has not been  
36 repaired, the director may issue a certificate of waiver if the owner of the  
37 vehicle provides to the director a written statement from an automobile parts  
38 or repair business that an emissions control device which is necessary to  
39 repair the tampering is not available and cannot be obtained from any usual  
40 source of supply before the vehicle's current registration expires. Rules  
41 adopted by the director for the purpose of establishing the estimated retail  
42 cost of all recommended maintenance and repairs pursuant to this subsection  
43 shall specify that:

44 1. In area A the cost shall not exceed:

45 (a) Five hundred dollars for a diesel powered vehicle with a gross  
46 weight in excess of twenty-six thousand pounds.

1 (b) Five hundred dollars for a diesel powered vehicle with tandem  
2 axles.

3 (c) For a vehicle other than a diesel powered vehicle with a gross  
4 weight in excess of twenty-six thousand pounds and other than a diesel  
5 powered vehicle with tandem axles:

6 (i) Two hundred dollars for such a vehicle manufactured in or before  
7 the 1974 model year.

8 (ii) Three hundred dollars for such a vehicle manufactured in the 1975  
9 through 1979 model years.

10 (iii) Four hundred fifty dollars for such a vehicle manufactured in or  
11 after the 1980 model year.

12 2. In area B the cost shall not exceed:

13 (a) Three hundred dollars for a diesel powered vehicle with a gross  
14 weight in excess of twenty-six thousand pounds.

15 (b) Three hundred dollars for a diesel powered vehicle with tandem  
16 axles.

17 3. For a vehicle other than a diesel powered vehicle with a gross  
18 weight in excess of twenty-six thousand pounds and other than a diesel  
19 powered vehicle with tandem axles:

20 (a) Fifty dollars for such a vehicle manufactured in or before the  
21 1974 model year.

22 (b) Two hundred dollars for such a vehicle manufactured in the 1975  
23 through 1979 model years.

24 (c) Three hundred dollars for such a vehicle manufactured in or after  
25 the 1980 model year.

26 M. Each person whose vehicle has failed an emissions inspection shall  
27 be provided a list of those general recommended tune-up procedures for  
28 vehicles which are designed to reduce vehicle emissions levels. The list  
29 shall include the following notice: "This test is the result of federal law.  
30 You may wish to contact your representative in the United States Congress."

31 N. Notwithstanding any other provisions of this article, the director  
32 may adopt rules allowing exemptions from the requirement that all vehicles  
33 must meet the minimum standards for registration or reregistration.

34 O. The director of environmental quality shall establish, in  
35 cooperation with the assistant director for the motor vehicle division of the  
36 department of transportation:

37 1. An adequate method for identifying bona fide residents residing  
38 outside of area A or area B to ensure that such residents are exempt from  
39 compliance with the inspection program established by this article and rules  
40 adopted under this article.

41 2. A written notice that shall accompany the vehicle registration  
42 application forms that are sent to vehicle owners pursuant to section 28-2151  
43 and that shall accompany or be included as part of the vehicle emissions test  
44 results that are provided to vehicle owners at the time of the vehicle  
45 emissions test. This written notice shall describe at least the following:

1 (a) The restriction of the waiver program to one time per vehicle and  
2 a brief description of the implications of this limit.

3 (b) The availability and a brief description of the vehicle repair and  
4 retrofit program established pursuant to section 49-474.03.

5 (c) Notice that many vehicles carry extended warranties for vehicle  
6 emissions systems, and those warranties are described in the vehicle's  
7 owner's manual or other literature.

8 (d) A description of the catalytic converter replacement program  
9 established pursuant to section 49-474.03.

10 P. Notwithstanding any other law, if area A or area B is reclassified  
11 as an attainment area, emissions testing conducted pursuant to this article  
12 shall continue for vehicles registered inside that reclassified area,  
13 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and  
14 vehicles registered outside of that reclassified area but used to commute to  
15 the driver's principal place of employment located within that reclassified  
16 area.

17 Q. A fleet operator who is issued a permit pursuant to section 49-546  
18 may electronically transmit emissions inspection data to the department of  
19 transportation pursuant to rules adopted by the director of the department of  
20 transportation in consultation with the director of environmental quality.

21 R. The director shall prohibit a certificate of waiver pursuant to  
22 subsection L of this section for any vehicle which has failed inspection in  
23 area A due to the catalytic converter system.

24 S. The director shall establish provisions for rapid testing of  
25 certain vehicles and to allow fleet operators, singly or in combination, to  
26 contract directly for vehicle emissions testing.

27 T. Each vehicle emissions control station in area A shall have a sign  
28 posted to be visible to persons who are having their vehicles tested. This  
29 sign shall state that enhanced testing procedures are a direct result of  
30 federal law.

31 U. The initial adoption of rules pursuant to this section shall be  
32 deemed emergency rules pursuant to section 41-1026.

33 V. The director of environmental quality and the director of the  
34 department of transportation shall implement a system to exchange information  
35 relating to the waiver program, including information relating to vehicle  
36 emissions test results and vehicle registration information.

37 W. Any person who sells a vehicle that has been issued a certificate  
38 of waiver pursuant to this section after January 1, 1997 and who knows that a  
39 certificate of waiver has been issued after January 1, 1997 for that vehicle  
40 shall disclose to the buyer before completion of the sale that a certificate  
41 of waiver has been issued for that vehicle.

42 X. Vehicles that fail the emissions test at emission levels higher  
43 than twice the standard established for that vehicle class by the department  
44 pursuant to section 49-447 are not eligible for a certificate of waiver  
45 pursuant to this section unless the vehicle is repaired sufficiently to

1 achieve an emissions level below twice the standard for that class of  
2 vehicle.

3 Y. If an insurer notifies the department of transportation of the  
4 cancellation or nonrenewal of collectible vehicle or classic automobile  
5 insurance coverage for a collectible vehicle, the department of  
6 transportation shall cancel the registration of the vehicle and the vehicle's  
7 exemption from emissions testing pursuant to this section unless evidence of  
8 coverage is presented to the department of transportation within sixty days.

9 Z. IN ADDITION TO AN EMISSIONS INSPECTION, A VEHICLE IS SUBJECT TO A  
10 LIQUID FUEL LEAK INSPECTION ON AT LEAST A BIENNIAL BASIS IF THE VEHICLE WAS  
11 MANUFACTURED AFTER THE 1974 MODEL YEAR AND IS NOT A DIESEL VEHICLE. THE  
12 DIRECTOR SHALL ADOPT RULES PRESCRIBING PROCEDURES AND STANDARDS FOR THE  
13 LIQUID FUEL LEAK INSPECTION.

14 ~~Z.~~ AA. For the purposes of this section, "collectible vehicle" means  
15 a vehicle that complies with both of the following:

16 1. Either:

17 (a) Bears a model year date of original manufacture that is at least  
18 fifteen years old.

19 (b) Is of unique or rare design, of limited production and an object  
20 of curiosity.

21 2. Meets both of the following criteria:

22 (a) Is maintained primarily for use in car club activities,  
23 exhibitions, parades or other functions of public interest or for a private  
24 collection and is used only infrequently for other purposes.

25 (b) Has a collectible vehicle or classic automobile insurance coverage  
26 that restricts the collectible vehicle mileage or use, or both, and requires  
27 the owner to have another vehicle for personal use.

28 Sec. 20. Interim rule making; publication

29 Notwithstanding title 41, chapter 6, article 3, Arizona Revised  
30 Statutes, the best management practices committee for regulated agricultural  
31 activities established under section 49-457, Arizona Revised Statutes, shall  
32 adopt the rules required by section 49-457, Arizona Revised Statutes, as  
33 amended by this act, as interim rules with an immediate effective date in  
34 compliance with section 41-1032, Arizona Revised Statutes, in order to comply  
35 with the December 31, 2007 deadline imposed by the United States  
36 environmental protection agency for failure to attain the national ambient  
37 air quality standard for PM-10 on or before December 31, 2006. The rules  
38 shall have an immediate effective date. Interim rules are exempt from title  
39 41, chapter 6, article 3, Arizona Revised Statutes, except that the committee  
40 shall submit the rules for publication and the secretary of state shall  
41 publish the rules in the Arizona administrative register.

42 Sec. 21. Construction contracts with public entities;  
43 definition

44 A. If this state or an agency or political subdivision of this state  
45 is party to a construction contract executed before enactment of this act,  
46 the state, agency or political subdivision may agree to a contract amendment

1 to provide for supplemental payments to reimburse the contractor for costs  
2 incurred solely and directly as a result of new dust control requirements  
3 imposed under this act if the following conditions are satisfied:

4 1. The measures taken to comply with the new dust control requirements  
5 were necessary and appropriate.

6 2. The measures taken to comply with the new dust control requirements  
7 were not necessary or appropriate to comply with dust control requirements or  
8 any other legal or contractual requirements in existence before enactment of  
9 this act.

10 3. The contractor provides the state, agency or political subdivision  
11 with complete documentation for the costs for which supplemental payment is  
12 requested.

13 4. The contractor did not expressly or impliedly assume the risk that  
14 additional costs would be incurred as a result of changes in dust control  
15 requirements.

16 B. Any invitation to bid or request for proposals issued by this state  
17 or an agency or political subdivision of this state for a construction  
18 project in area A as defined in section 49-541, Arizona Revised Statutes,  
19 shall require that the offer address compliance with all dust control  
20 requirements applicable to the project.

21 C. For the purposes of this section, "political subdivision" means an  
22 entity supported in whole or in part by tax revenues.

23 Sec. 22. Delayed repeal

24 Section 21 of this act, relating to public contracts and dust control  
25 requirements, is repealed from and after September 30, 2009.

26 Sec. 23. City and county particulate enforcement; report; joint  
27 legislative budget committee

28 A county and any city or town that is located in an area designated by  
29 the environmental protection agency as a serious PM-10 nonattainment area or  
30 a maintenance area that was designated as a serious PM-10 nonattainment area  
31 shall submit reports on particulate enforcement to the joint legislative  
32 budget committee on June 1 and December 1 in 2008 and 2009. The reports  
33 shall include the following information for each county, city and town:

34 1. The number of notices of violation issued, fines or penalties  
35 assessed or other sanctions imposed for particulate violations.

36 2. The number of inspectors or other enforcement personnel employed  
37 for purposes of enforcing statutes, rules or ordinances related to  
38 particulates.

39 3. The number of miles of streets, roads, alleys, shoulders and vacant  
40 areas paved or otherwise stabilized.

41 4. Any other information relevant to enforcement of particulate  
42 measures prescribed by this act.

43 Sec. 24. State air quality study committee; members; duties;  
44 report

45 A. The state air quality study committee is established consisting of  
46 the following members:

1           1. Five members of the senate who are appointed by the president of  
2 the senate, not more than three of whom are members of the same political  
3 party. The president of the senate shall designate one of these members to  
4 serve as cochairperson of the committee.

5           2. Five members of the house of representatives who are appointed by  
6 the speaker of the house of representatives, not more than three of whom are  
7 members of the same political party. The speaker of the house of  
8 representatives shall designate one of these members to serve as  
9 cochairperson of the committee.

10          B. The purpose of the committee is to examine and make recommendations  
11 for current and future compliance with primary national ambient air quality  
12 standards in this state.

13          C. The committee shall:

14           1. Review the implementation and enforcement of the particulate matter  
15 and ozone control measures for areas A and C prescribed in this act and  
16 adopted by the Maricopa association of governments and Maricopa county for  
17 area A. On request of the committee, the Maricopa association of governments  
18 shall provide a summary of the five per cent PM-10 reduction plan submitted  
19 to the United States environmental protection agency on or before December  
20 31, 2007.

21           2. Examine the need to adopt additional particulate matter and ozone  
22 control measures in areas A and C to ensure compliance with national ambient  
23 air quality standards in areas A and C and any other federal requirements.

24           3. Review the different types of motor fuel standards required by law  
25 in this state.

26           4. Examine the need to adjust the different types of motor fuel  
27 standards in this state based on the following criteria:

28           (a) Current and future compliance with primary national ambient air  
29 quality standards to protect public health.

30           (b) Effect on supply of motor fuel into this state.

31           (c) Effect on the price and costs of production and delivery of motor  
32 fuel to consumers.

33           (d) Cost-effectiveness of motor fuel standard changes in comparison  
34 with other types of control measures.

35           (e) Federal regulations on locally-specific motor fuel types.

36           5. Review the vehicle emission inspection requirements in this state  
37 and examine the applicability of these requirements.

38           6. Review and examine other air quality control measures, as the  
39 committee deems necessary, to ensure current and future compliance with  
40 primary national ambient air quality standards to protect public health,  
41 including vapor recovery system technologies and requirements.

42           7. Make any recommendations on review and examination of the subjects  
43 prescribed in paragraphs 1 through 6 of this subsection.

44           8. Submit a report of its findings and recommendations to the  
45 governor, the president of the senate and the speaker of the house of  
46 representatives on or before December 31, 2009 and submit copies of these

1 reports to the secretary of state and the director of the Arizona state  
2 library, archives and public records.

3 Sec. 25. Department of environmental quality; motor fuels  
4 emissions studies; recommendations

5 A. The department of environmental quality shall evaluate the  
6 coordinating research council study E-74b. The department of environmental  
7 quality shall receive comments evaluating the coordinating research council  
8 study E-74b from the department of weights and measures, any trade  
9 organizations representing automobile manufacturers, ethanol producers and  
10 marketers, petroleum refiners, suppliers, distributors and marketers, and  
11 other interested parties.

12 B. The department of environmental quality and each of the entities  
13 submitting comments pursuant to subsection A of this section shall consider  
14 providing additional research and cooperating to design and conduct any  
15 additional studies.

16 C. If funding is made available, and if the department of  
17 environmental quality in consultation with each of the entities submitting  
18 comments pursuant to subsection A of this section determines additional  
19 research is necessary, the department of environmental quality, in  
20 consultation with the department of weights and measures, shall develop and  
21 implement research that would complement and incorporate the coordinating  
22 research council study E-74b regarding Reid vapor pressure and oxygen content  
23 effects on emissions of 1994 model year and newer light duty vehicles. The  
24 research:

25 1. May include federal test procedure testing of a sufficient number  
26 and variety of federal tier 1 and tier 2 standard vehicles to be  
27 representative of the current in-use light duty vehicle fleet.

28 2. May include an emissions and air quality assessment of the impacts  
29 of changing the area A wintertime Reid vapor pressure standard to comply with  
30 American society for testing and materials Reid vapor pressure standards  
31 applicable to area A, including the wintertime Reid vapor pressure waiver for  
32 ethanol blends allowed by provisions of a waiver issued or other limits  
33 established by the United States environmental protection agency.

34 3. May include an assessment of the emissions and air quality impacts  
35 of requiring ten per cent ethanol in tandem with any change in Reid vapor  
36 pressure, including an assessment of Reid vapor pressure being allowed to  
37 rise with no ethanol content and an assessment of fuel containing greater  
38 than twenty per cent ethanol content.

39 4. Notwithstanding the receipt of the coordinating research council  
40 study E-74b, shall include:

41 (a) An assessment of costs of production and delivery of gasoline and  
42 ethanol and an assessment of gasoline and ethanol supplies and logistics.

43 (b) A statewide assessment of increasing flexibility under state  
44 standards for blending ethanol to include impacts on the environment, vehicle  
45 performance and costs to consumers.



1 D. On or before February 15, 2008, the department of environmental  
2 quality shall submit its evaluation of the coordinating research council  
3 study E-74b and any comments received pursuant to subsection A of this  
4 section to the governor, the president of the senate and the speaker of the  
5 house of representatives for referral to the appropriate standing committees  
6 of the senate and the house of representatives. The department shall submit  
7 copies of the evaluation and comments to the secretary of state and the  
8 director of the Arizona state library, archives and public records.

9 E. On or before September 1, 2008, the department of environmental  
10 quality shall submit a report of all of the findings and recommendations made  
11 pursuant to this section to the state air quality study committee established  
12 by this act and shall submit copies of these reports to the secretary of  
13 state and the director of the Arizona state library, archives and public  
14 records.

15 Sec. 26. Delayed repeal

16 Section 24 of this act, relating to the state air quality study  
17 committee, and section 25 of this act, relating to motor fuels emissions  
18 studies, are repealed from and after December 31, 2009.

19 Sec. 27. Conditional enactment

20 A. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007,  
21 chapter 145, section 2 and this act, is effective as prescribed in Laws 2005,  
22 chapter 104, section 7, subsection A, as amended by Laws 2007, chapter 145,  
23 section 4.

24 B. Section 41-2124.01, Arizona Revised Statutes, as amended by section  
25 13 of this act, is not effective unless, on or before November 1, 2009, the  
26 conditions specified in Laws 2005, chapter 104, section 7, subsection B, as  
27 amended by Laws 2007, chapter 145, section 4, are satisfied.

APPROVED BY THE GOVERNOR JULY 2, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 2, 2007.