

PROPOSED

SENATE AMENDMENTS TO H.B. 2300

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 3-3493, Arizona Revised Statutes, as amended by  
3 Laws 2016, chapter 232, section 27, is amended to read:

4 3-3493. Area A: fuel reformulation: rules: exception

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

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

19 2. A GASOLINE THAT MEETS STANDARDS FOR California phase 2  
20 reformulated gasoline, including alternative formulations allowed by the  
21 predictive model, as adopted by the California air resources board pursuant  
22 to California Code of Regulations title 13, sections 2261 through 2262.7  
23 and 2265, in effect on January 1, 1997, except that the minimum oxygen  
24 content standard does not apply. The gasoline shall also meet the maximum  
25 vapor pressure requirements in section 3-3433, subsections D and F.

1           3. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED  
2 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200  
3 THROUGH 1090.295, IN EFFECT ON DECEMBER 4, 2020. THE GASOLINE SHALL  
4 ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 3-3433,  
5 SUBSECTION F. FOR THE PERIOD BEGINNING NOVEMBER 1 THROUGH MARCH 31 OF EACH  
6 YEAR, THE GASOLINE SHALL ALSO MEET THE MINIMUM OXYGEN CONTENT OR PERCENTAGE  
7 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

8           4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3  
9 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE  
10 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT  
11 TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH 2262.7  
12 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING  
13 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE  
14 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

15           5. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL CONVENTIONAL  
16 GASOLINE. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE  
17 REQUIREMENTS IN SECTION 3-3433, SUBSECTION F. FOR THE PERIOD BEGINNING  
18 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE  
19 MINIMUM OXYGEN CONTENT OR PERCENTAGE REQUIREMENTS PRESCRIBED IN SECTION  
20 3-3492.

21           6. A GASOLINE OR GASOLINE BLEND THAT MEETS ANY OF THE STANDARDS  
22 PRESCRIBED BY THIS SUBSECTION OR APPROVED FOR USE BY THE UNITED STATES  
23 ENVIRONMENTAL PROTECTION AGENCY.

24           B. For the period beginning November 1 through March 31 of each  
25 year, all gasoline produced and shipped to or within this state and sold or  
26 offered for sale for use in motor vehicles in a county with a population of  
27 one million two hundred thousand or more persons and any portion of a  
28 county contained in area A, subject to an appropriate waiver granted by the  
29 administrator of the United States environmental protection agency pursuant  
30 to section 211(c)(4) of the clean air act as defined in section 49-401.01,  
31 shall comply with ONE OF THE FOLLOWING standards ~~for~~:

32           1. California phase 2 reformulated gasoline, including alternative  
33 formulations allowed by the predictive model, as adopted by the California

1 air resources board pursuant to California Code of Regulations title 13,  
2 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and  
3 shall meet the maximum vapor pressure requirements in section 3-3433,  
4 subsections D and F. The fuel described in this ~~subsection~~ PARAGRAPH shall  
5 meet the requirements of section 3-3492, subsection A, paragraph 1.

6 2. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT  
7 MEETS STANDARDS FOR CALIFORNIA PHASE 3 REFORMULATED GASOLINE, INCLUDING  
8 ALTERNATIVE FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE  
9 CALIFORNIA AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS  
10 TITLE 13, SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16,  
11 2014.

12 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT  
13 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN  
14 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN  
15 EFFECT ON DECEMBER 4, 2020.

16 4. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED  
17 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200  
18 THROUGH 1090.295, IN EFFECT ON DECEMBER 4, 2020.

19 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3  
20 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE  
21 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT  
22 TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH 2262.7  
23 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

24 6. A GASOLINE OR GASOLINE BLEND THAT MEETS ANY OF THE STANDARDS  
25 PRESCRIBED BY THIS SUBSECTION OR APPROVED FOR USE BY THE UNITED STATES  
26 ENVIRONMENTAL PROTECTION AGENCY.

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

32 ~~D. The petition shall:~~

1           ~~1. Identify specific supply conditions that will result in a~~  
2 ~~shortage of ethanol.~~

3           ~~2. Identify which oxygenate or oxygenates and the concentration that~~  
4 ~~will be blended into gasoline for sale or use in area A.~~

5           ~~3. Demonstrate that the alternative oxygenate blend comes closest to~~  
6 ~~meeting a three and one-half percent by weight oxygen content at reasonable~~  
7 ~~cost, unless the registered supplier or oxygenate blender is petitioning to~~  
8 ~~use a gasoline-ethanol blend containing less than ten percent by volume of~~  
9 ~~ethanol.~~

10          ~~4. Specify a time period for compliance with any provision of~~  
11 ~~section 3-3492, subsection A, not to exceed sixty days.~~

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

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

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

25          ~~H:~~ C. The ASSOCIATE director of ~~environmental quality~~ THE DIVISION,  
26 in consultation with the ~~associate~~ director of the ~~division~~ DEPARTMENT OF  
27 ENVIRONMENTAL QUALITY, shall adopt by rule:

28           1. Requirements to implement subsections A, ~~AND B,~~ ~~C and D~~ of this  
29 section.

30           2. Requirements for recordkeeping, reporting and analytical methods  
31 for fuel providers to demonstrate compliance with subsections A, ~~AND B,~~ ~~C~~  
32 ~~and D~~ of this section.

1           ~~†~~ D. This section does not apply to fuel sold for use at a motor  
2 vehicle manufacturer proving ground or at a motor vehicle racing event.

3           Sec. 2. Section 3-3493, Arizona Revised Statutes, as amended by Laws  
4 2017, chapter 295, section 2, is amended to read:

5           3-3493. Area A; fuel reformulation; rules; exception

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

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

20           2. A GASOLINE THAT MEETS STANDARDS FOR California phase 2  
21 reformulated gasoline, including alternative formulations allowed by the  
22 predictive model, as adopted by the California air resources board pursuant  
23 to California Code of Regulations title 13, sections 2261 through 2262.7  
24 and 2265, in effect on January 1, 1997, except that the minimum oxygen  
25 content standard does not apply. The gasoline shall also meet the maximum  
26 vapor pressure requirements in section 3-3433, subsections D and F.

27           3. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED  
28 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200  
29 THROUGH 1090.295, IN EFFECT ON DECEMBER 4, 2020. THE GASOLINE SHALL  
30 ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 3-3433,  
31 SUBSECTION F. FOR THE PERIOD BEGINNING NOVEMBER 1 THROUGH MARCH 31 OF EACH  
32 YEAR, THE GASOLINE SHALL ALSO MEET THE MINIMUM OXYGEN CONTENT OR PERCENTAGE  
33 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

1           4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3  
2 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE  
3 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT  
4 TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH 2262.7  
5 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING  
6 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE  
7 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

8           5. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL CONVENTIONAL  
9 GASOLINE. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE  
10 REQUIREMENTS IN SECTION 3-3433, SUBSECTION F. FOR THE PERIOD BEGINNING  
11 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE  
12 MINIMUM OXYGEN CONTENT OR PERCENTAGE REQUIREMENTS PRESCRIBED IN SECTION  
13 3-3492.

14           6. A GASOLINE OR GASOLINE BLEND THAT MEETS ANY OF THE STANDARDS  
15 PRESCRIBED BY THIS SUBSECTION OR APPROVED FOR USE BY THE UNITED STATES  
16 ENVIRONMENTAL PROTECTION AGENCY.

17           B. For the period beginning November 1 through March 31 of each  
18 year, all gasoline produced and shipped to or within this state and sold or  
19 offered for sale for use in motor vehicles in a county with a population of  
20 one million two hundred thousand or more persons and any portion of a  
21 county contained in area A, subject to an appropriate waiver granted by the  
22 administrator of the United States environmental protection agency pursuant  
23 to section 211(c)(4) of the clean air act as defined in section 49-401.01,  
24 shall comply with ONE OF THE FOLLOWING standards ~~for~~:

25           1. California phase 2 reformulated gasoline, including alternative  
26 formulations allowed by the predictive model, as adopted by the California  
27 air resources board pursuant to California Code of Regulations title 13,  
28 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and  
29 shall meet the maximum vapor pressure requirements in section 3-3433,  
30 subsections D and F. The fuel described in this ~~subsection~~ PARAGRAPH shall  
31 meet the requirements of section 3-3492, subsection A, paragraph 1 or 2.

32           2. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT  
33 MEETS STANDARDS FOR CALIFORNIA PHASE 3 REFORMULATED GASOLINE, INCLUDING

1 ALTERNATIVE FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE  
2 CALIFORNIA AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS  
3 TITLE 13, SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16,  
4 2014.

5 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT  
6 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN  
7 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN  
8 EFFECT ON DECEMBER 4, 2020.

9 4. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED  
10 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200  
11 THROUGH 1090.295, IN EFFECT ON DECEMBER 4, 2020.

12 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3  
13 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE  
14 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT  
15 TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH 2262.7  
16 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

17 6. A GASOLINE OR GASOLINE BLEND THAT MEETS ANY OF THE STANDARDS  
18 PRESCRIBED BY THIS SUBSECTION OR APPROVED FOR USE BY THE UNITED STATES  
19 ENVIRONMENTAL PROTECTION AGENCY.

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

26 ~~D. The petition shall:~~

27 ~~1. Identify specific supply conditions that will result in a~~  
28 ~~shortage of ethanol.~~

29 ~~2. Identify which oxygenate or oxygenates and the concentration that~~  
30 ~~will be blended into gasoline for sale or use in area A.~~

31 ~~3. Demonstrate that the alternative oxygenate blend comes closest to~~  
32 ~~meeting a three and one-half percent by weight oxygen content at reasonable~~  
33 ~~cost, unless the registered supplier or oxygenate blender is petitioning to~~

1 ~~use a gasoline-ethanol blend containing less than ten percent by volume of~~  
2 ~~ethanol.~~

3 ~~4. Specify a time period for compliance with any provision of~~  
4 ~~section 3-3492, subsection A, not to exceed sixty days.~~

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

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

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

18 ~~H. C.~~ C. The ASSOCIATE director of ~~environmental quality~~ THE DIVISION,  
19 in consultation with the ~~associate~~ director of the ~~division~~ DEPARTMENT OF  
20 ENVIRONMENTAL QUALITY, shall adopt by rule:

21 1. Requirements to implement subsections A, ~~AND B, C and D~~ of this  
22 section.

23 2. Requirements for recordkeeping, reporting and analytical methods  
24 for fuel providers to demonstrate compliance with subsections A, ~~AND B, C~~  
25 ~~and D~~ of this section.

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

28 Sec. 3. Section 3-3494, Arizona Revised Statutes, is amended to  
29 read:

30 3-3494. Area C; fuel reformulation; rules; exception

31 A. From and after May 31 through September 30 of each year, all  
32 gasoline produced and shipped to or within this state and sold or offered



1 for sale for use in motor vehicles in area C shall comply with ~~either~~ ONE  
2 of the following fuel reformulation options:

3 1. A gasoline that meets standards for federal phase II reformulated  
4 gasoline, as provided in 40 Code of Federal Regulations section 80.41,  
5 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
6 minimum oxygen content standard does not apply. The gasoline shall also  
7 meet the maximum vapor pressure requirements in section 3-3434,  
8 subsection D.

9 2. California phase 2 reformulated gasoline, including alternative  
10 formulations allowed by the predictive model, as adopted by the California  
11 air resources board pursuant to California Code of Regulations title 13,  
12 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except  
13 that the minimum oxygen content standard does not apply. The gasoline  
14 shall also meet the maximum vapor pressure requirements in section 3-3434,  
15 subsection D.

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

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

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

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

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

29 ~~D. The associate director shall either grant or deny a petition~~  
30 ~~under subsection B of this section in writing within seven days of its~~  
31 ~~receipt. Any decision by the associate director to grant the petition~~  
32 ~~shall be equally applicable to all registered suppliers or oxygenate~~  
33 ~~blenders and shall not be selectively applied to any single registered~~

1 ~~supplier or oxygenate blender. The petition may be granted only if the~~  
2 ~~associate director verifies that the basis for requesting the petition is~~  
3 ~~factual.~~

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

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

11 ~~G.~~ B. The associate director OF THE DIVISION, in consultation with  
12 the director of the department of environmental quality, shall adopt by  
13 rule:

14 1. Requirements to implement ~~subsections~~ SUBSECTION A, ~~B and C~~ of  
15 this section.

16 2. Requirements for recordkeeping, reporting and analytical methods  
17 for fuel providers to demonstrate compliance with subsection A of this  
18 section.

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

21 Sec. 4. Title 3, chapter 19, article 6, Arizona Revised Statutes, is  
22 amended by adding sections 3-3499, 3-3500 and 3-3501, to read:

23 3-3499. Motor fuel waiver requests; definition

24 A. ANY PERSON MAY PETITION THE ASSOCIATE DIRECTOR TO REQUEST A  
25 WAIVER FROM THE STANDARDS FOR MOTOR FUEL PRESCRIBED BY SECTION 3-3491,  
26 3-3492, 3-3493, 3-3494 OR 3-3495 OR FEDERAL STANDARDS ESTABLISHED BY THE  
27 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE CLEAN AIR  
28 ACT.

29 B. A PETITION FOR A MOTOR FUEL WAIVER REQUEST PURSUANT TO SUBSECTION  
30 A OF THIS SECTION SHALL DO ALL OF THE FOLLOWING:

31 1. IDENTIFY THE SPECIFIC SUPPLY CONDITIONS THAT WILL RESULT IN A  
32 SHORTAGE OF MOTOR FUEL TO MEET THE APPLICABLE STANDARD.

1           2. IDENTIFY THE GEOGRAPHIC AREA AND MOTOR FUEL STANDARDS FOR WHICH  
2 THE POTENTIAL SHORTAGE EXISTS.

3           3. IDENTIFY THE ALTERNATIVE MOTOR FUEL FORMULATIONS THAT WILL BE  
4 SOLD IN LIEU OF THE MOTOR FUEL THAT MEETS THE APPLICABLE STANDARDS.

5           4. SPECIFY THE TIME PERIOD THAT THE MOTOR FUEL WAIVER IS REQUESTED,  
6 WHICH MAY NOT EXCEED TWENTY DAYS.

7           C. NOT LATER THAN SEVEN DAYS AFTER THE RECEIPT OF A PETITION  
8 SUBMITTED PURSUANT TO SUBSECTION B OF THIS SECTION, THE ASSOCIATE DIRECTOR  
9 OF THE DIVISION, IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF  
10 ENVIRONMENTAL QUALITY AND THE UNITED STATES ENVIRONMENTAL PROTECTION  
11 AGENCY, SHALL:

12           1. EVALUATE THE PETITION.

13           2. ISSUE A WRITTEN DECISION DETERMINING WHETHER THE PETITION  
14 INCLUDES THE INFORMATION REQUIRED BY SUBSECTION B OF THIS SECTION AND MEETS  
15 THE RELEVANT CRITERIA AS PRESCRIBED IN THE CLEAN AIR ACT.

16           3. TRANSMIT A COPY OF THE ASSOCIATE DIRECTOR'S WRITTEN DECISION TO  
17 THE PETITIONER, DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY,  
18 PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

19           D. IF THE ASSOCIATE DIRECTOR ISSUES A WRITTEN DECISION DETERMINING  
20 THAT THE PETITION MEETS THE CRITERIA IN SUBSECTION B OF THIS SECTION AND  
21 THE CLEAN AIR ACT WITHIN TWENTY-FOUR HOURS OF TRANSMITTAL TO THE DIRECTOR  
22 OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AS PRESCRIBED BY SUBSECTION C OF  
23 THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, ON  
24 BEHALF OF THE GOVERNOR, SHALL SUBMIT A MOTOR FUEL WAIVER REQUEST TO THE  
25 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

26           E. ANY DECISION ISSUED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
27 AGENCY TO WAIVE THE APPLICABLE FEDERAL STANDARDS, AND ANY DECISION ISSUED  
28 BY THE ASSOCIATE DIRECTOR TO WAIVE THE APPLICABLE STATE STANDARDS, THAT  
29 RESULTS FROM THE SUBMISSION OF A MOTOR FUEL WAIVER REQUEST PURSUANT TO  
30 SUBSECTION D OF THIS SECTION SHALL BE APPLIED EQUALLY TO ALL REGULATED  
31 PERSONS TO WHICH THE STANDARDS APPLY. ANY DECISION THAT RESULTS FROM THE  
32 SUBMISSION OF A MOTOR FUEL WAIVER REQUEST PURSUANT TO SUBSECTION D OF THIS  
33 SECTION SHALL BE PROVIDED TO THE PETITIONER, THE ASSOCIATE DIRECTOR OF THE

1 DIVISION, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE  
2 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND  
3 ALL REGULATED PERSONS TO WHICH THE STANDARDS APPLY.

4 F. THE DIRECTOR OF ENVIRONMENTAL QUALITY, IN CONSULTATION WITH THE  
5 ASSOCIATE DIRECTOR OF THE DIVISION, MAY SUBMIT A WRITTEN REQUEST TO THE  
6 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXTEND THE MOTOR FUEL  
7 WAIVER GRANTED PURSUANT TO SUBSECTION D OF THIS SECTION IF THE PETITIONER  
8 DEMONSTRATES, AND THE ASSOCIATE DIRECTOR OF THE DIVISION VERIFIES, THAT THE  
9 CONDITIONS IDENTIFIED IN THE PETITION HAVE CONTINUED. THE REAUTHORIZATION  
10 OF A MOTOR FUEL WAIVER MAY NOT EXCEED TWENTY DAYS.

11 G. A PETITION MAY BE SUBMITTED PURSUANT TO SUBSECTION A OF THIS  
12 SECTION FOR MOTOR FUEL PROPERTIES THAT ARE NOT REGULATED BY THE UNITED  
13 STATES ENVIRONMENTAL PROTECTION AGENCY. NOT LATER THAN SEVEN DAYS AFTER  
14 THE RECEIPT OF A PETITION SUBMITTED PURSUANT TO THIS SUBSECTION, THE  
15 ASSOCIATE DIRECTOR OF THE DIVISION SHALL EVALUATE THE PETITION AND, AFTER  
16 CONSULTATION WITH AND CONCURRENCE BY THE DIRECTOR OF THE DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY, ISSUE A WRITTEN DECISION DETERMINING WHETHER THE  
18 PETITION INCLUDES THE INFORMATION REQUIRED IN SUBSECTION B OF THIS SECTION  
19 AND MEETS THE CRITERIA OF THE CLEAN AIR ACT AND WHETHER TO ISSUE A WAIVER  
20 TO WAIVE THE APPLICABLE STATE MOTOR FUEL REQUIREMENTS. THE ASSOCIATE  
21 DIRECTOR SHALL TRANSMIT A COPY OF ANY WRITTEN DECISION THE ASSOCIATE  
22 DIRECTOR OF THE DIVISION ISSUES PURSUANT TO THIS SUBSECTION TO THE  
23 PETITIONER, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE  
24 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

25 H. IF ANY PERSON SUBMITS A PETITION PURSUANT TO SUBSECTION A OF THIS  
26 SECTION, THE ASSOCIATE DIRECTOR SHALL PROVIDE WRITTEN NOTICE THAT THE  
27 PETITION WAS SUBMITTED WITHIN TWO BUSINESS DAYS OF RECEIPT OF THE PETITION  
28 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
29 REPRESENTATIVES. FOR THE PURPOSES OF THIS SUBSECTION, ALL OF THE FOLLOWING  
30 ARE EXEMPT FROM THE PROVISIONS OF TITLE 39, CHAPTER 1 AND SHALL COMPLY WITH  
31 THE REQUIREMENTS OF SECTION 44-1374:

32 1. ALL COMMUNICATION REGARDING A PETITION BETWEEN THE PRESIDENT OF  
33 THE SENATE OR THE PRESIDENT'S AGENT AND ANY OTHER PERSON.

1           2. ALL COMMUNICATION REGARDING A PETITION BETWEEN THE SPEAKER OF THE  
2 HOUSE OF REPRESENTATIVES OR THE SPEAKER'S AGENT AND ANY OTHER PERSON.

3           3. ALL NOTICES THE ASSOCIATE DIRECTOR PROVIDES TO THE PRESIDENT OF  
4 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR TO THEIR  
5 RESPECTIVE AGENTS.

6           I. FOR THE PURPOSES OF THIS SECTION, "CLEAN AIR ACT" HAS THE SAME  
7 MEANING PRESCRIBED IN SECTION 3-3511.

8           3-3500. Approved gasoline formulations; posting requirement

9           A. THE ASSOCIATE DIRECTOR SHALL POST ON THE DEPARTMENT'S WEBSITE A  
10 LIST OF ALL APPROVED GASOLINE FORMULATIONS BY AREA IN THIS STATE. THE  
11 ASSOCIATE DIRECTOR SHALL UPDATE THE LIST AS THE UNITED STATES ENVIRONMENTAL  
12 PROTECTION AGENCY APPROVES OR DENIES NEW GASOLINE FORMULATIONS PURSUANT TO  
13 THIS ARTICLE.

14           B. THE ASSOCIATE DIRECTOR SHALL POST SEPARATELY ON THE DEPARTMENT'S  
15 WEBSITE BOTH OF THE FOLLOWING:

16           1. A MAP THAT INCLUDES ALL CURRENTLY APPROVED GASOLINE FORMULATIONS  
17 BY AREA IN THIS STATE.

18           2. A MAP OF AREA A, AREA B AND AREA C.

19           Sec. 5. Section 44-1374, Arizona Revised Statutes, is amended to  
20 read:

21           44-1374. Confidentiality of petroleum industry information;  
22                                   disclosure; supply emergency; definitions

23           A. A governmental entity shall classify as confidential and not  
24 publicly disclose any documents or other information that is received from  
25 any petroleum industry related private or public source if the person or  
26 entity that provides the information agrees to provide the information only  
27 on the express condition that the information remain confidential.

28           B. If a governmental entity receives a request to publicly disclose  
29 information that is confidential information or for any other reason  
30 proposes to publicly disclose confidential information, the governmental  
31 entity shall provide to the person or entity that submitted the  
32 confidential information notice in writing of the request or proposal to  
33 disclose. The notice shall identify the confidential information that

1 would be disclosed and indicate the form in which the confidential  
2 information would be provided. On receipt of the notice, the person or  
3 entity that submitted the confidential information has fifteen working days  
4 in which to respond to the notice and to either withdraw the request for  
5 confidentiality or justify to the governmental entity the claim of  
6 confidentiality on each specific item of confidential information covered  
7 by the notice.

8 C. The governmental entity shall consider the response in  
9 determining whether to publicly disclose any confidential information for  
10 which a justification has been submitted. Unless the governmental entity  
11 determines that there is no trade secret or other legitimate justification  
12 for the confidentiality being claimed by the respondent, the governmental  
13 entity shall not disclose any confidential information for which a  
14 justification has been timely submitted. If the governmental entity  
15 determines that there is no trade secret or other legitimate justification  
16 for all or a portion of the confidentiality claim, the governmental entity  
17 shall issue a written decision that sets forth the reasons for making that  
18 determination. The governmental entity shall deliver a copy of the  
19 decision to the person or entity submitting the confidential information  
20 and the person requesting public disclosure of the confidential  
21 information.

22 D. Notwithstanding a determination that there is no legitimate  
23 justification for a claim of confidentiality, and to allow the person or  
24 entity that submitted the confidential information to seek direct judicial  
25 intervention to prevent its release, the governmental entity shall not  
26 publicly disclose confidential information submitted to the governmental  
27 entity pursuant to this section for at least fifteen working days after the  
28 date on which the governmental entity has issued and disclosed the written  
29 determination pursuant to this section.

30 E. If any legal or administrative action is filed with any court or  
31 other agency seeking to force disclosure of any confidential information,  
32 the governmental entity, within five working days ~~of~~ AFTER being served  
33 with the action, shall notify in writing the person or entity that

1 submitted the confidential information of the action to allow the person or  
2 entity that submitted the confidential information to intervene in the  
3 action.

4 F. Confidential information shall not be classified or maintained as  
5 confidential if the governmental entity determines that the confidential  
6 information has already been made public by the submitting person or entity  
7 and advises, in writing, the person or entity that submitted the  
8 confidential information of this determination. Notwithstanding a  
9 determination that the confidential information has already been made  
10 public by the submitting person or entity, the governmental entity shall  
11 not publicly disclose the confidential information for at least five  
12 working days after the governmental entity has advised the submitting  
13 person or entity to allow the person or entity that submitted the  
14 confidential information to seek direct judicial intervention to prevent  
15 its release.

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

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

31 I. For the purposes of this section:

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

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

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

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

11 2. "Governmental entity" means an agency, board, department or  
12 commission of this state, the state legislature and all MEMBERS, agencies  
13 or committees of the state legislature AND THEIR AGENTS but does not  
14 include the courts of this state.

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

18 Sec. 6. Conditional enactment; notice

19 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws  
20 2016, chapter 232, section 27 and this act, and section 3-3494, Arizona  
21 Revised Statutes, as amended by this act, do not become effective unless on  
22 or before July 1, 2028 the United States environmental protection agency  
23 approves the proposed modifications to the gasoline fuel formulation  
24 requirements as part of the state implementation plan for air quality.

25 B. Section 3-3493, Arizona Revised Statutes, as amended by Laws  
26 2017, chapter 295, section 2 and this act, does not become effective unless  
27 the condition prescribed by Laws 2017, chapter 295, section 3, as amended  
28 by Laws 2022, chapter 177, section 12 and Laws 2024, chapter 70, section 1  
29 is met and on or before July 1, 2028 the United States environmental  
30 protection agency approves the additional proposed modifications to the  
31 gasoline fuel formulation requirements in this act as part of the state  
32 implementation plan for air quality.



1           C. The director of the department of environmental quality shall  
2       notify the director of the Arizona legislative council in writing on or  
3       before October 1, 2028 either:

4           1. Of the date on which the condition prescribed by subsection A or  
5       B of this section was met.

6           2. That neither condition was met."

7 Amend title to conform

THOMAS "T.J." SHOPE

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