



Bill Number: H.B. 2300

Shope Floor Amendment

**Reference to: NATURAL RESOURCES
Committee Amendment**

Amendment drafted by: Sawyer Bessler

FLOOR AMENDMENT EXPLANATION

- **Makes technical changes.**

SHOPE FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2300
(Reference to NATURAL RESOURCES Committee amendment)

Amendment instruction key:

[GREEN UPPERCASE UNDERLINING IN BRACKETS] indicates that the amendment is adding text to statute or previously enacted session law.
[Green lowercase underlining in brackets] indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.
~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double green carets enclosing an entire section>> indicates that the amendment is adding the section to the bill.
~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.
{[ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS]} indicates that the amendment to an amendment is adding text to statute or previously enacted session law.
{[Orange lowercase underlining in double curly brackets]} indicates that the amendment to an amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~{[ORANGE UPPERCASE STRIKEOUT IN DOUBLE CURLY BRACKETS]}~~ indicates that the amendment to an amendment is removing new text from statute or previously enacted session law.
~~{[Orange lowercase strikeout in double curly brackets]}~~ indicates that the amendment to an amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double orange underlined carets enclosing an entire section>> indicate that the amendment to an amendment is adding the section to the bill.
~~<<Orange strikeout with double orange underlined carets enclosing an entire section>>~~ indicates that the amendment to an amendment is removing the section from the 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
14 reformulated gasoline, as provided in 40 Code of Federal Regulations
15 section 80.41, paragraphs (e) through (h), in effect on January 1, 1999,
16 except that the minimum oxygen content standard does not apply. The

1 gasoline shall also meet the maximum vapor pressure requirements in
2 section 3-3433, subsections D and F.

3 2. A GASOLINE THAT MEETS STANDARDS FOR California phase 2
4 reformulated gasoline, including alternative formulations allowed by the
5 predictive model, as adopted by the California air resources board
6 pursuant to California Code of Regulations title 13, sections 2261 through
7 2262.7 and 2265, in effect on January 1, 1997, except that the minimum
8 oxygen content standard does not apply. The gasoline shall also meet the
9 maximum vapor pressure requirements in section 3-3433, subsections D and
10 F.

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

18 4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
19 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
20 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
21 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
22 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING
23 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
24 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

25 5. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL CONVENTIONAL
26 GASOLINE. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE
27 REQUIREMENTS IN SECTION 3-3433, SUBSECTION F. FOR THE PERIOD BEGINNING
28 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
29 MINIMUM OXYGEN CONTENT OR PERCENTAGE REQUIREMENTS PRESCRIBED IN SECTION
30 3-3492.

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

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

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

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

7 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT
8 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN
9 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN
10 EFFECT ON DECEMBER 4, 2020.

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

14 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
15 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
16 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
17 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
18 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

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

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

28 ~~D. The petition shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH

1 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING
2 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
3 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

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

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

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

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

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

35 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT
36 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN
37 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN
38 EFFECT ON DECEMBER 4, 2020.

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

42 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
43 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
44 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
45 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
46 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

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

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

~~D. The petition shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Sec. 4. Title 3, chapter 19, article 6, Arizona Revised Statutes,
7 is amended by adding sections 3-3499~~{;}~~~~{and}~~ 3-3500 ~~{and 3-3501}~~ to
8 read:

9 3-3499. Motor fuel waiver requests; definition

10 A. ANY PERSON MAY PETITION THE ASSOCIATE DIRECTOR TO REQUEST A
11 WAIVER FROM THE STANDARDS FOR MOTOR FUEL PRESCRIBED BY SECTION 3-3491,
12 3-3492, 3-3493, 3-3494 OR 3-3495 OR FEDERAL STANDARDS ESTABLISHED BY THE
13 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE CLEAN AIR
14 ACT.

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

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

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

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

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

25 C. NOT LATER THAN SEVEN DAYS AFTER THE RECEIPT OF A PETITION
26 SUBMITTED PURSUANT TO SUBSECTION B OF THIS SECTION, THE ASSOCIATE DIRECTOR
27 OF THE DIVISION, IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF
28 ENVIRONMENTAL QUALITY AND THE UNITED STATES ENVIRONMENTAL PROTECTION
29 AGENCY, SHALL:

30 1. EVALUATE THE PETITION.

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

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

37 D. IF THE ASSOCIATE DIRECTOR ISSUES A WRITTEN DECISION DETERMINING
38 THAT THE PETITION MEETS THE CRITERIA IN SUBSECTION B OF THIS SECTION AND
39 THE CLEAN AIR ACT WITHIN TWENTY-FOUR HOURS OF TRANSMITTAL TO THE DIRECTOR
40 OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AS PRESCRIBED BY SUBSECTION C
41 OF THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
42 ON BEHALF OF THE GOVERNOR, SHALL SUBMIT A MOTOR FUEL WAIVER REQUEST TO THE
43 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

44 E. ANY DECISION ISSUED BY THE UNITED STATES ENVIRONMENTAL
45 PROTECTION AGENCY TO WAIVE THE APPLICABLE FEDERAL STANDARDS, AND ANY
46 DECISION ISSUED BY THE ASSOCIATE DIRECTOR TO WAIVE THE APPLICABLE STATE
47 STANDARDS, THAT RESULTS FROM THE SUBMISSION OF A MOTOR FUEL WAIVER REQUEST
48 PURSUANT TO SUBSECTION D OF THIS SECTION SHALL BE APPLIED EQUALLY TO ALL
49 REGULATED PERSONS TO WHICH THE STANDARDS APPLY. ANY DECISION THAT RESULTS

1 FROM THE SUBMISSION OF A MOTOR FUEL WAIVER REQUEST PURSUANT TO SUBSECTION
2 D OF THIS SECTION SHALL BE PROVIDED TO THE PETITIONER, THE ASSOCIATE
3 DIRECTOR OF THE DIVISION, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
5 REPRESENTATIVES AND ALL REGULATED PERSONS TO WHICH THE STANDARDS APPLY.

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

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

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

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

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

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

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

43 3-3500. Approved gasoline formulations; posting requirement

44 A. THE ASSOCIATE DIRECTOR SHALL POST ON THE DEPARTMENT'S WEBSITE A
45 LIST OF ALL APPROVED GASOLINE FORMULATIONS BY AREA IN THIS STATE. THE
46 ASSOCIATE DIRECTOR SHALL UPDATE THE LIST AS THE UNITED STATES
47 ENVIRONMENTAL PROTECTION AGENCY APPROVES OR DENIES NEW GASOLINE
48 FORMULATIONS PURSUANT TO THIS ARTICLE.

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

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

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

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

8 44-1374. Confidentiality of petroleum industry information;
9 disclosure; supply emergency; definitions

10 A. A governmental entity shall classify as confidential and not
11 publicly disclose any documents or other information that is received from
12 any petroleum industry related private or public source if the person or
13 entity that provides the information agrees to provide the information
14 only on the express condition that the information remain confidential.

15 B. If a governmental entity receives a request to publicly disclose
16 information that is confidential information or for any other reason
17 proposes to publicly disclose confidential information, the governmental
18 entity shall provide to the person or entity that submitted the
19 confidential information notice in writing of the request or proposal to
20 disclose. The notice shall identify the confidential information that
21 would be disclosed and indicate the form in which the confidential
22 information would be provided. On receipt of the notice, the person or
23 entity that submitted the confidential information has fifteen working
24 days in which to respond to the notice and to either withdraw the request
25 for confidentiality or justify to the governmental entity the claim of
26 confidentiality on each specific item of confidential information covered
27 by the notice.

28 C. The governmental entity shall consider the response in
29 determining whether to publicly disclose any confidential information for
30 which a justification has been submitted. Unless the governmental entity
31 determines that there is no trade secret or other legitimate justification
32 for the confidentiality being claimed by the respondent, the governmental
33 entity shall not disclose any confidential information for which a
34 justification has been timely submitted. If the governmental entity
35 determines that there is no trade secret or other legitimate justification
36 for all or a portion of the confidentiality claim, the governmental entity
37 shall issue a written decision that sets forth the reasons for making that
38 determination. The governmental entity shall deliver a copy of the
39 decision to the person or entity submitting the confidential information
40 and the person requesting public disclosure of the confidential
41 information.

42 D. Notwithstanding a determination that there is no legitimate
43 justification for a claim of confidentiality, and to allow the person or
44 entity that submitted the confidential information to seek direct judicial
45 intervention to prevent its release, the governmental entity shall not
46 publicly disclose confidential information submitted to the governmental
47 entity pursuant to this section for at least fifteen working days after
48 the date on which the governmental entity has issued and disclosed the
49 written determination pursuant to this section.

1 E. If any legal or administrative action is filed with any court or
2 other agency seeking to force disclosure of any confidential information,
3 the governmental entity, within five working days ~~of~~ AFTER being served
4 with the action, shall notify in writing the person or entity that
5 submitted the confidential information of the action to allow the person
6 or entity that submitted the confidential information to intervene in the
7 action.

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

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

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

36 I. For the purposes of this section:

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

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

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

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

48 2. "Governmental entity" means an agency, board, department or
49 commission of this state, the state legislature and all MEMBERS, agencies

1 or committees of the state legislature AND THEIR AGENTS but does not
2 include the courts of this state.

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

6 Sec. 6. Conditional enactment; notice

7 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws
8 2016, chapter 232, section 27 and this act, and section 3-3494, Arizona
9 Revised Statutes, as amended by this act, do not become effective unless
10 on or before July 1, 2028 the United States environmental protection
11 agency approves the proposed modifications to the gasoline fuel
12 formulation requirements as part of the state implementation plan for air
13 quality.

14 B. Section 3-3493, Arizona Revised Statutes, as amended by Laws
15 2017, chapter 295, section 2 and this act, does not become effective
16 unless the condition prescribed by Laws 2017, chapter 295, section 3, as
17 amended by Laws 2022, chapter 177, section 12 and Laws 2024, chapter 70,
18 section 1 is met and on or before July 1, 2028 the United States
19 environmental protection agency approves the additional proposed
20 modifications to the gasoline fuel formulation requirements in this act as
21 part of the state implementation plan for air quality.

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

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

27 2. That neither condition was met."

28 Amend title to conform

THOMAS "T.J." SHOPE

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