

REFERENCE TITLE: low sulfur diesel fuel standards

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

SB 1455

Introduced by
Senator Allen

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 41-2083. Standards for motor fuel; exceptions

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

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

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

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

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

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

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

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

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

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

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

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

35 J. A person shall not sell or offer or expose for sale **IN AREA A, AS**
36 **DEFINED IN SECTION 49-541**, diesel fuel grade 1, 2 or 4 as defined in ASTM
37 D975 that contains sulfur in excess of:

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

40 2. **FOR ULTRA LOW SULFUR DIESEL FUEL, FIFTEEN PARTS PER MILLION.**

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

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

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

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

9 2. The volume of the finished product.

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

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

14 (a) Sulfur content.

15 (b) Aromatic hydrocarbon content.

16 (c) Cetane number.

17 (d) Specific gravity.

18 (e) American petroleum institute gravity.

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

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

28 N. A person shall label dispensers at which biodiesel is dispensed in
29 such a manner as to notify other persons of the volume percentage of
30 biodiesel in the finished product.

31 O. A PERSON SHALL LABEL EACH DISPENSER AT WHICH ULTRA LOW SULFUR
32 DIESEL FUEL IS DISPENSED IN SUCH A MANNER AS TO INFORM THE CUSTOMER OF THE
33 SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED. THE LABEL SHALL BE
34 AFFIXED TO THE UPPER SIXTY PER CENT OF EACH FACE OF THE DISPENSER ADJACENT TO
35 THE PRODUCT IDENTIFICATION LABEL, CONTAIN BLOCK LETTERS OF NO LESS THAN
36 TWENTY-FOUR POINT BOLD-FACED TYPE, BE PRINTED IN A COLOR THAT CONTRASTS WITH
37 THE BACKGROUND AND STATE:

38 ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 PPM SULFUR MAXIMUM)
39 REQUIRED FOR USE IN ALL MODEL YEAR 2007 AND LATER HIGHWAY DIESEL
40 VEHICLES AND ENGINES. RECOMMENDED FOR USE IN ALL DIESEL VEHICLE
41 AND ENGINES.

42 P. A PERSON SHALL LABEL EACH DISPENSER AT WHICH LOW SULFUR DIESEL FUEL
43 IS DISPENSED IN SUCH A MANNER AS TO INFORM THE CUSTOMER OF THE SULFUR CONTENT
44 OF THE DIESEL FUEL BEING DISPENSED. THE LABEL SHALL BE AFFIXED TO THE UPPER
45 SIXTY PER CENT OF EACH FACE OF THE DISPENSER ADJACENT TO THE PRODUCT

1 IDENTIFICATION LABEL, CONTAIN BLOCK LETTERS OF NO LESS THAN TWENTY-FOUR POINT
2 BOLD-FACED TYPE, BE PRINTED IN A COLOR THAT CONTRASTS WITH THE BACKGROUND AND
3 STATE:

4 LOW SULFUR HIGHWAY DIESEL FUEL (500 PPM SULFUR MAXIMUM) FEDERAL
5 LAW PROHIBITS USE IN MODEL YEAR 2007 AND LATER HIGHWAY VEHICLES
6 AND ENGINES. ITS USE MAY DAMAGE THESE VEHICLES AND ENGINES.

7 Q. IF ANY PERSON TRANSFERS CUSTODY OR TITLE OF A MOTOR FUEL, EXCEPT IF
8 THE MOTOR FUEL IS DISPENSED INTO A MOTOR VEHICLE, THE TRANSFEROR SHALL
9 PROVIDE TO THE TRANSFEREE PRODUCT TRANSFER DOCUMENTS THAT INCLUDE THE
10 FOLLOWING INFORMATION:

11 1. THE NAME AND ADDRESS OF THE TRANSFEROR.

12 2. THE NAME AND ADDRESS OF THE TRANSFEREE.

13 3. THE NAME AND ADDRESS OF THE FINAL DESTINATION FOR THE SHIPMENT.

14 4. THE LOCATION OF THE DIESEL FUEL OR DISTILLATE AT THE TIME OF THE
15 TRANSFER.

16 5. FOR ULTRA LOW SULFUR DIESEL FUEL, THE SULFUR CONTENT THAT THE FUEL
17 MUST MEET.

18 6. IDENTIFICATION OF THE PRODUCT AS ULTRA LOW SULFUR DIESEL FUEL OR
19 LOW SULFUR DIESEL FUEL.

20 7. THE FACILITY ENVIRONMENTAL PROTECTION AGENCY REGISTRATION NUMBER OF
21 THE TRANSFEROR AND THE TRANSFEREE, THE TERMINALS AND ALL PARTIES UPSTREAM.

22 8. AN ACCURATE AND CLEAR STATEMENT OF THE APPLICABLE DESIGNATION OR
23 CLASSIFICATION OF THE FUEL AND WHETHER THE FUEL IS DYED OR UNDYED.

24 R. IF THE TRANSFER OF A MOTOR FUEL IS FROM A TERMINAL, STORAGE
25 FACILITY, OR TRANSMIX FACILITY, THE PRODUCT TRANSFER DOCUMENTS SHALL CONTAIN
26 THE INFORMATION PRESCRIBED IN SUBSECTION Q OF THIS SECTION AND MUST ACCOMPANY
27 THE SHIPMENT TO ITS FINAL DESTINATION.

28 Sec. 2. Section 41-2083, Arizona Revised Statutes, as amended by Laws
29 2005, chapter 104, section 1, is amended to read:

30 41-2083. Standards for motor fuel; exceptions

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

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

41 C. After consultation with the director of the department of
42 environmental quality, the standards and test methods for motor fuels shall
43 be established by the director of the department of weights and measures by
44 rule.

1 D. Maximum vapor pressure for gasoline that is supplied or sold by any
2 person and that is intended as a final product for the fueling of motor
3 vehicles in a county with a population of one million two hundred thousand or
4 more persons and any portion of a county contained in area A as defined in
5 section 49-541 shall be 9.0 pounds per square inch from and after September
6 30 through January 31 of each year. Fuel used in motor vehicles at a
7 manufacturer's proving ground or a motor vehicle racing event as defined by
8 section 41-2121 is exempt from this subsection.

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

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

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

30 H. Notwithstanding subsections D, F and G of this section, the
31 director of the department of weights and measures in consultation with the
32 director of the department of environmental quality shall approve alternate
33 fuel control measures that are submitted by manufacturers or suppliers of
34 gasoline and that the directors determine will result in either of the
35 following:

36 1. Motor vehicle carbon monoxide emissions that are equal to or less
37 than emissions that result under compliance with subsection D of this section
38 and section 41-2123. In making this determination, the director of the
39 department of weights and measures and the director of the department of
40 environmental quality shall compare the emissions of the alternate fuel
41 control measure with the emissions of a fuel with a maximum vapor pressure
42 standard as prescribed by this section and with the minimum oxygen content or
43 percentage by volume of ethanol as prescribed by section 41-2123.

44 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
45 or less than the emissions that result under compliance with subsection F of

1 this section. In making this determination, the director of the department
 2 of weights and measures and the director of the department of environmental
 3 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
 4 the alternate fuel control measure with the motor vehicle non-methane
 5 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
 6 standard as prescribed by subsection F of this section.

7 I. Any alternate fuel control measures that are approved shall not
 8 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
 9 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
 10 subsection H of this section and this subsection may be used by any
 11 manufacturer or supplier of gasoline unless the approval is rescinded more
 12 than one hundred eighty days before the first day of a gasoline control
 13 period. Manufacturers and suppliers who use an approved alternate fuel
 14 control measure shall annually submit a compliance plan to the director of
 15 the department of weights and measures no later than sixty days before the
 16 first day of a gasoline control period.

17 J. A person shall not sell or offer or expose for sale **IN AREA A, AS**
 18 **DEFINED IN SECTION 49-541**, diesel fuel grade 1, 2 or 4 as defined in ASTM
 19 D975 that contains sulfur in excess of:

20 1. **FOR LOW SULFUR DIESEL FUEL**, five hundred parts per million ~~for use~~
 21 ~~in area A as defined in section 49-541.~~

22 2. **FOR ULTRA LOW SULFUR DIESEL FUEL, FIFTEEN PARTS PER MILLION.**

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

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

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

35 2. The volume of the finished product.

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

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

40 (a) Sulfur content.

41 (b) Aromatic hydrocarbon content.

42 (c) Cetane number.

43 (d) Specific gravity.

44 (e) American petroleum institute gravity.

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

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

10 N. A person shall label dispensers at which biodiesel is dispensed in
11 such a manner as to notify other persons of the volume percentage of
12 biodiesel in the finished product.

13 O. A PERSON SHALL LABEL EACH DISPENSER AT WHICH ULTRA LOW SULFUR
14 DIESEL FUEL IS DISPENSED IN SUCH A MANNER AS TO INFORM THE CUSTOMER OF THE
15 SULFUR CONTENT OF THE DIESEL FUEL BEING DISPENSED. THE LABEL SHALL BE
16 AFFIXED TO THE UPPER SIXTY PER CENT OF EACH FACE OF THE DISPENSER ADJACENT TO
17 THE PRODUCT IDENTIFICATION LABEL, CONTAIN BLOCK LETTERS OF NO LESS THAN
18 TWENTY-FOUR POINT BOLD-FACED TYPE, BE PRINTED IN A COLOR THAT CONTRASTS WITH
19 THE BACKGROUND AND STATE:

20 ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 PPM SULFUR MAXIMUM)
21 REQUIRED FOR USE IN ALL MODEL YEAR 2007 AND LATER HIGHWAY DIESEL
22 VEHICLES AND ENGINES. RECOMMENDED FOR USE IN ALL DIESEL
23 VEHICLES AND ENGINES.

24 P. A PERSON SHALL LABEL EACH DISPENSER AT WHICH LOW SULFUR DIESEL FUEL
25 IS DISPENSED IN SUCH A MANNER AS TO INFORM THE CUSTOMER OF THE SULFUR CONTENT
26 OF THE DIESEL FUEL BEING DISPENSED. THE LABEL SHALL BE AFFIXED TO THE UPPER
27 SIXTY PER CENT OF EACH FACE OF THE DISPENSER ADJACENT TO THE PRODUCT
28 IDENTIFICATION LABEL, CONTAIN BLOCK LETTERS OF NO LESS THAN TWENTY-FOUR POINT
29 BOLD-FACED TYPE, BE PRINTED IN A COLOR THAT CONTRASTS WITH THE BACKGROUND AND
30 STATE:

31 LOW SULFUR HIGHWAY DIESEL FUEL (500 PPM SULFUR MAXIMUM) FEDERAL
32 LAW PROHIBITS USE IN MODEL YEAR 2007 AND LATER HIGHWAY VEHICLES
33 AND ENGINES. ITS USE MAY DAMAGE THESE VEHICLES AND ENGINES.

34 Q. IF ANY PERSON TRANSFERS CUSTODY OR TITLE OF A MOTOR FUEL, EXCEPT IF
35 THE MOTOR FUEL IS DISPENSED INTO A MOTOR VEHICLE, THE TRANSFEROR SHALL
36 PROVIDE TO THE TRANSFEREE PRODUCT TRANSFER DOCUMENTS THAT INCLUDE THE
37 FOLLOWING INFORMATION:

- 38 1. THE NAME AND ADDRESS OF THE TRANSFEROR.
- 39 2. THE NAME AND ADDRESS OF THE TRANSFEREE.
- 40 3. THE NAME AND ADDRESS OF THE FINAL DESTINATION FOR THE SHIPMENT.
- 41 4. THE LOCATION OF THE DIESEL FUEL OR DISTILLATE AT THE TIME OF THE
42 TRANSFER.
- 43 5. FOR ULTRA LOW SULFUR DIESEL FUEL, THE SULFUR CONTENT THAT THE FUEL
44 MUST MEET.

1 6. IDENTIFICATION OF THE PRODUCT AS ULTRA LOW SULFUR DIESEL FUEL OR
2 LOW SULFUR DIESEL FUEL.

3 7. THE FACILITY ENVIRONMENTAL PROTECTION AGENCY REGISTRATION NUMBER OF
4 THE TRANSFEROR AND THE TRANSFEREE, THE TERMINALS AND ALL PARTIES UPSTREAM.

5 8. AN ACCURATE AND CLEAR STATEMENT OF THE APPLICABLE DESIGNATION OR
6 CLASSIFICATION OF THE FUEL AND WHETHER THE FUEL IS DYED OR UNDYED.

7 R. IF THE TRANSFER OF A MOTOR FUEL IS FROM A TERMINAL, STORAGE
8 FACILITY, OR TRANSMIX FACILITY, THE PRODUCT TRANSFER DOCUMENTS SHALL CONTAIN
9 THE INFORMATION PRESCRIBED IN SUBSECTION Q OF THIS SECTION AND MUST ACCOMPANY
10 THE SHIPMENT TO ITS FINAL DESTINATION.

11 Sec. 3. Conditional enactment

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