

Senate Engrossed House Bill

~~electric vehicle charging stations; report~~
(now: fuel)

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2300

AN ACT

AMENDING SECTION 3-3493, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2016, CHAPTER 232, SECTION 27; AMENDING SECTION 3-3493, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 295, SECTION 2; AMENDING SECTION 3-3494, ARIZONA REVISED STATUTES; AMENDING TITLE 3, CHAPTER 19, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 3-3499 AND 3-3500; AMENDING SECTION 44-1374, ARIZONA REVISED STATUTES; RELATING TO FUEL REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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
17 gasoline shall also meet the maximum vapor pressure requirements in
18 section 3-3433, subsections 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
22 pursuant to California Code of Regulations title 13, sections 2261 through
23 2262.7 and 2265, in effect on January 1, 1997, except that the minimum
24 oxygen content standard does not apply. The gasoline shall also meet the
25 maximum vapor pressure requirements in section 3-3433, subsections D
26 and F.

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

34 4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
35 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
36 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
37 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
38 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING
39 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
40 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

41 5. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL CONVENTIONAL
42 GASOLINE. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE
43 REQUIREMENTS IN SECTION 3-3433, SUBSECTION F. FOR THE PERIOD BEGINNING
44 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE

1 MINIMUM OXYGEN CONTENT OR PERCENTAGE REQUIREMENTS PRESCRIBED IN
2 SECTION 3-3492.

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

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

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

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

27 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT
28 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN
29 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN
30 EFFECT ON DECEMBER 4, 2020.

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

34 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
35 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
36 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
37 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
38 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

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

42 ~~c. Any registered supplier or oxygenate blender, as defined in
43 division rules, may petition the associate director to request that all
44 registered suppliers or oxygenate blenders be allowed to comply with
45 standards other than the standards prescribed by section 3-3492,~~

1 subsection A if the petitioner can demonstrate ethanol supply shortages
2 are imminent.

3 ~~D. The petition shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

40 3-3493. Area A; fuel reformulation; rules; exception

41 A. All gasoline produced and shipped to or within this state and
42 sold or offered for sale for use in motor vehicles in a county with a
43 population of one million two hundred thousand or more persons and any
44 portion of a county contained in area A, subject to an appropriate waiver
45 granted by the administrator of the United States environmental protection

1 agency pursuant to section 211(c)(4) of the clean air act as defined in
2 section 49-401.01, shall comply with ~~either~~ ONE of the following fuel
3 reformulation options:

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

10 2. A GASOLINE THAT MEETS STANDARDS FOR California phase 2
11 reformulated gasoline, including alternative formulations allowed by the
12 predictive model, as adopted by the California air resources board
13 pursuant to California Code of Regulations title 13, sections 2261 through
14 2262.7 and 2265, in effect on January 1, 1997, except that the minimum
15 oxygen content standard does not apply. The gasoline shall also meet the
16 maximum vapor pressure requirements in section 3-3433, subsections D
17 and F.

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

25 4. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
26 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
27 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
28 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
29 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014. FOR THE PERIOD BEGINNING
30 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
31 REQUIREMENTS PRESCRIBED IN SECTION 3-3492.

32 5. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL CONVENTIONAL
33 GASOLINE. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE
34 REQUIREMENTS IN SECTION 3-3433, SUBSECTION F. FOR THE PERIOD BEGINNING
35 NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR, THE GASOLINE SHALL ALSO MEET THE
36 MINIMUM OXYGEN CONTENT OR PERCENTAGE REQUIREMENTS PRESCRIBED IN SECTION
37 3-3492.

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

41 B. For the period beginning November 1 through March 31 of each
42 year, all gasoline produced and shipped to or within this state and sold
43 or offered for sale for use in motor vehicles in a county with a
44 population of one million two hundred thousand or more persons and any
45 portion of a county contained in area A, subject to an appropriate waiver

1 granted by the administrator of the United States environmental protection
2 agency pursuant to section 211(c)(4) of the clean air act as defined in
3 section 49-401.01, shall comply with **ONE OF THE FOLLOWING** standards ~~for~~:

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

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

18 3. NOTWITHSTANDING SECTION 3-3433, SUBSECTION D, A GASOLINE THAT
19 MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN
20 40 CODE OF FEDERAL REGULATIONS SECTIONS 1090.200 THROUGH 1090.295, IN
21 EFFECT ON DECEMBER 4, 2020.

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

25 5. A GASOLINE THAT MEETS STANDARDS FOR CALIFORNIA PHASE 3
26 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE
27 PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD
28 PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH
29 2262.7 AND 2265, IN EFFECT ON FEBRUARY 16, 2014.

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

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

39 D. ~~The petition shall:~~

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

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

44 3. ~~Demonstrate that the alternative oxygenate blend comes closest
45 to meeting a three and one-half percent by weight oxygen content at~~

1 reasonable cost, unless the registered supplier or oxygenate blender is
2 petitioning to use a gasoline-ethanol blend containing less than ten
3 percent by volume of ethanol.

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

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

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

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

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

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

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

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

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

31 3-3494. Area C; fuel reformulation; rules; exception

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

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

42 2. 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,

1 except that the minimum oxygen content standard does not apply. The
2 gasoline shall also meet the maximum vapor pressure requirements in
3 section 3-3434, subsection D.

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

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

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

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

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

18 ~~D. The associate director shall either grant or deny a petition
19 under subsection B of this section in writing within seven days of its
20 receipt. Any decision by the associate director to grant the petition
21 shall be equally applicable to all registered suppliers or oxygenate
22 blenders and shall not be selectively applied to any single registered
23 supplier or oxygenate blender. The petition may be granted only if the
24 associate director verifies that the basis for requesting the petition is
25 factual.~~

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

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

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

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

38 ~~2. Requirements for recordkeeping, reporting and analytical methods
39 for fuel providers to demonstrate compliance with subsection A of this
40 section.~~

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

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

3 3-3499. Motor fuel waiver requests; definition

4 A. ANY PERSON MAY PETITION THE ASSOCIATE DIRECTOR TO REQUEST A
5 WAIVER FROM THE STANDARDS FOR MOTOR FUEL PRESCRIBED BY SECTION 3-3491,
6 3-3492, 3-3493, 3-3494 OR 3-3495 OR FEDERAL STANDARDS ESTABLISHED BY THE
7 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE CLEAN AIR
8 ACT.

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

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

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

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

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

19 C. NOT LATER THAN SEVEN DAYS AFTER THE RECEIPT OF A PETITION
20 SUBMITTED PURSUANT TO SUBSECTION B OF THIS SECTION, THE ASSOCIATE DIRECTOR
21 OF THE DIVISION, IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF
22 ENVIRONMENTAL QUALITY AND THE UNITED STATES ENVIRONMENTAL PROTECTION
23 AGENCY, SHALL:

24 1. EVALUATE THE PETITION.

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

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

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

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

1 DIRECTOR OF THE DIVISION, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
2 QUALITY, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES AND 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
9 THE CONDITIONS IDENTIFIED IN THE PETITION HAVE CONTINUED. THE
10 REAUTHORIZATION 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
26 THIS 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
30 FOLLOWING ARE EXEMPT FROM THE PROVISIONS OF TITLE 39, CHAPTER 1 AND SHALL
31 COMPLY WITH 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.

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

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

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

41 3-3500. Approved gasoline formulations: posting requirement

42 A. THE ASSOCIATE DIRECTOR SHALL POST ON THE DEPARTMENT'S WEBSITE A
43 LIST OF ALL APPROVED GASOLINE FORMULATIONS BY AREA IN THIS STATE. THE
44 ASSOCIATE DIRECTOR SHALL UPDATE THE LIST AS THE UNITED STATES

1 ENVIRONMENTAL PROTECTION AGENCY APPROVES OR DENIES NEW GASOLINE
2 FORMULATIONS PURSUANT TO THIS ARTICLE.

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

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

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

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

10 44-1374. Confidentiality of petroleum industry information;
11 disclosure; supply emergency; definitions

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

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

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

44 D. Notwithstanding a determination that there is no legitimate
45 justification for a claim of confidentiality, and to allow the person or

1 entity that submitted the confidential information to seek direct judicial
2 intervention to prevent its release, the governmental entity shall not
3 publicly disclose confidential information submitted to the governmental
4 entity pursuant to this section for at least fifteen working days after
5 the date on which the governmental entity has issued and disclosed the
6 written determination pursuant to this section.

7 E. If any legal or administrative action is filed with any court or
8 other agency seeking to force disclosure of any confidential information,
9 the governmental entity, within five working days ~~of~~ AFTER being served
10 with the action, shall notify in writing the person or entity that
11 submitted the confidential information of the action to allow the person
12 or entity that submitted the confidential information to intervene in the
13 action.

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

26 G. This section protects petroleum industry related confidential
27 information submitted to a governmental entity but does not impose any
28 requirement that information of any type from any source be submitted to
29 any governmental entity.

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

42 I. For the purposes of this section:

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

44 (a) The information is not and has not been reasonably obtainable
45 by legitimate means by other persons without the consent of the person OR

1 ENTITY providing the information, other than by governmental entities and
2 other than in discovery based on a showing of a special need in a judicial
3 or quasi-judicial proceeding.

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

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

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

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

16 Sec. 6. Conditional enactment; notice

17 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws
18 2016, chapter 232, section 27 and this act, and section 3-3494, Arizona
19 Revised Statutes, as amended by this act, do not become effective unless
20 on or before July 1, 2028 the United States environmental protection
21 agency approves the proposed modifications to the gasoline fuel
22 formulation requirements as part of the state implementation plan for air
23 quality.

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

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

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

37 2. That neither condition was met.