

REFERENCE TITLE: fuel formulations; waiver; posting; confidentiality

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **SB 1313**

Introduced by  
Senator Payne

### 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.