Conference Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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First Regular Session
2007

CHAPTER 292

SENATE BILL 1552

AN ACT

AMENDING SECTION 9-500.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTIONS 11-871 AND 11-872, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-877; AMENDING SECTIONS 28-1098 AND 28-6705, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 1; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 2; AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2083.01; AMENDING SECTION 41-2121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2124.01; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 12 OF THIS ACT; AMENDING SECTION 49-457, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-457.01, 49-457.02, 49-457.03 AND 49-457.04; AMENDING SECTION 49-474.01, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-474.05, 49-474.06 AND 49-474.07; AMENDING SECTION 49-501, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 171, SECTION 5; RELATING TO AIR QUALITY; PROVIDING FOR CONDITIONAL ENACTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to read:

9-500.04. Air quality control; definitions

A. The governing body of a city or town in area A or AREA B as defined in section 49-541 shall:

1. If the city has a population exceeding fifty thousand persons according to the 1995 special census, adjust the work hours of at least eighty-five per cent of municipal employees each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide, OZONE AND PARTICULATE MATTER concentrations caused by vehicular travel.

2. In area A, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all existing and new roadways, within and across jurisdictional boundaries, ~~which~~ THAT have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor vehicles per day.

3. In area A, beginning on January 1, ~~2000~~ 2008, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting the roads, alleys and shoulders, a schedule for implementation, funding options and reporting requirements. PRIORITY SHALL BE GIVEN TO THE FOLLOWING:

(a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

(b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED TRAFFIC VOLUME.

4. In area A, acquire or utilize vacuum systems or other dust removal technology to reduce the particulates attributable to conventional crack sealing operations as existing equipment is retired.

5. IN AREA A, IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR:

(a) BEGINNING MARCH 31, 2008, ON ANY HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROHIBIT EMPLOYEES OR CONTRACTORS OF THAT CITY OR TOWN FROM OPERATING LEAF BLOWERS EXCEPT WHILE IN VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM BLOWING LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

(b) NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME BY ANY PERSON.

6. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER THAN RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING DUSTPROOF PAVING METHODS:

(a) ASPHALTIC CONCRETE.

(b) CEMENT CONCRETE.

(c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL AGGREGATE.

(d) A STABILIZATION METHOD APPROVED BY THE CITY OR TOWN.

7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009, COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS THAT ARE THREE THOUSAND SQUARE FEET OR MORE IN SIZE AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH A PAVING OR STABILIZATION METHOD AUTHORIZED BY THE CITY OR TOWN BY CODE, ORDINANCE OR PERMIT.

8. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR UNSTABILIZED VACANT LOTS.

9. IN AREA A, NO LATER THAN MARCH 31, 2008, REQUIRE THAT NEW OR RENEWED CONTRACTS FOR STREET SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH STREET SWEEPERS THAT MEET THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1186 STREET SWEEPER CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY AND PM-10 EMISSIONS IN EFFECT ON JANUARY 1, 2007.

~~5.~~ 10. In area B, synchronize traffic control signals on all roadways ~~which~~ THAT have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor vehicles per day.

B. The governing body of a city or town in area B as defined in section 49-541 may make and enforce ordinances to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the city or town and employees whose place of employment is within the city or town.

C. Except as provided in subsection F of this section, the governing body of a city or town in area A as defined in section 49-541 in a county with a population of more than one million two hundred thousand persons according to the most recent United States decennial census shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels and clean burning fuels in city or town owned vehicles. The plan shall include a timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion.

D. The timetable shall reflect the following schedule and percentage of vehicles ~~which~~ THAT operate on alternative fuels and clean burning fuels:

1. At least eighteen per cent of the total fleet by December 31, 1995.

2. At least twenty-five per cent of the total fleet by December 31, 1996.

3. At least fifty per cent of the total fleet by December 31, 1998.

4. At least seventy-five per cent of the total fleet by December 31, 2000 and each year thereafter.

E. The requirements of subsections C and D of this section may be waived on receipt of evidence acceptable to the city or town council that the city or town is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than ten per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department of environmental quality pursuant to section 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more, that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate MATTER emissions at least twenty-five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to section 49-555.

F. The plan prescribed by subsection C of this section shall include provisions for the use of alternative fuels and clean burning fuels in the bus fleet operated by that city or town or a regional public transportation authority, except that all newly purchased buses shall use alternative fuel or clean burning fuel. The bus fleet shall comply with the timetable prescribed by subsection D of this section, except that the requirements of subsections C and D of this section may be waived on receipt of certification supported by evidence acceptable to the department of environmental quality that the city or town is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than twenty per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.

G. If the requirements of subsections C, D and F of this section are met by the use of clean burning fuel, vehicle equivalents under those requirements shall be calculated as follows:

1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in section 1-215, paragraph 7, subdivision (b).

2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in section 1-215, paragraph 7, subdivision (d).

H. SUBSECTION A, PARAGRAPHS 5 THROUGH 8 OF THIS SECTION DO NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

~~H.~~ I. For the purposes of this section, "alternative fuel" and "clean burning fuel" have the same meanings prescribed in section 1-215.

Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.27, to read:

9-500.27. Off-road vehicle ordinance; applicability; violation; classification

A. NO LATER THAN MARCH 31, 2008, IN AREA A, AS DEFINED IN SECTION 49-541, A CITY OR TOWN SHALL ADOPT, IMPLEMENT AND ENFORCE AN ORDINANCE THAT PROHIBITS THE OPERATION OF ANY VEHICLE, INCLUDING AN OFF-HIGHWAY VEHICLE, AN ALL-TERRAIN VEHICLE OR AN OFF-ROAD RECREATIONAL MOTOR VEHICLE, ON AN UNPAVED SURFACE THAT IS NOT A PUBLIC OR PRIVATE ROAD, STREET OR LAWFUL EASEMENT AND THAT IS CLOSED BY THE LANDOWNER BY RULE OR REGULATION OF A FEDERAL AGENCY, THIS STATE, A COUNTY OR A MUNICIPALITY OR BY PROPER POSTING IF THE LAND IS PRIVATE LAND.

B. THIS SECTION DOES NOT APPLY TO THE OPERATION OF VEHICLES USED IN THE NORMAL COURSE OF BUSINESS OR THE NORMAL COURSE OF GOVERNMENT OPERATIONS.

C. THIS SECTION DOES NOT PROHIBIT OR PREEMPT THE ENFORCEMENT OF ANY SIMILAR ORDINANCE THAT IS ADOPTED BY A CITY OR TOWN IN AREA A, AS DEFINED IN SECTION 49-541, BEFORE MARCH 31, 2008 FOR PURPOSES OF DUST ABATEMENT.

D. A PERSON WHO VIOLATES AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

E. IN ADDITION TO OR IN LIEU OF A FINE PURSUANT TO THIS SECTION, A JUDGE MAY ORDER THE PERSON TO PERFORM AT LEAST EIGHT BUT NOT MORE THAN TWENTY-FOUR HOURS OF COMMUNITY RESTITUTION OR TO COMPLETE AN APPROVED SAFETY COURSE RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR VEHICLES, OR BOTH.

Sec. 3. Section 11-871, Arizona Revised Statutes, is amended to read:

11-871. Emissions control; no burn; exemptions; penalty

A. A county that contains any part of area A, as defined in section 49-541, shall~~, by September 1, 1999,~~ develop, implement and enforce in area A, as defined in section 49-541, an ordinance relating to residential wood burning restrictions, including a no burn restriction when monitoring or forecasting ~~indicates~~ BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PREDICTS the carbon monoxide standard is likely to be exceeded.

B. ON OR BEFORE OCTOBER 31, 2007, A COUNTY THAT CONTAINS ANY PART OF AREA A, AS DEFINED IN SECTION 49-541, SHALL AMEND THE ORDINANCE PRESCRIBED BY SUBSECTION A OF THIS SECTION TO INCLUDE A NO BURN RESTRICTION FOR ANY HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR PARTICULATE MATTER.

~~B.~~ C. The ordinance shall provide an exemption for the use of residential wood stoves, wood fireplaces or gas fired fireplaces that comply with any of the following:

1. Provides the sole or primary source of heat or fuel for cooking for a residence.

2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990 or sold at retail on or after July 1, 1992 as prescribed by 40 Code of Federal Regulations part 60, subpart AAA.

3. Burns gaseous fuels, including gas logs.

4. Meets rules adopted by the board of supervisors as prescribed in section 49-479 for burning wood in approved appliances.

~~C.~~ D. The ordinance shall provide that a person who violates an ordinance adopted pursuant to this section is subject to:

1. A warning for the first violation.

2. The imposition of a civil penalty of fifty dollars for the second violation.

3. The imposition of a civil penalty of one hundred dollars for ~~a~~ THE third ~~or any subsequent~~ violation.

4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR THE FOURTH OR ANY SUBSEQUENT VIOLATION.

~~D.~~ E. For violations of ordinances adopted pursuant to this section, the control officer shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the supreme court. The control officer may issue citations to persons in violation of ordinances adopted pursuant to this section.

Sec. 4. Section 11-872, Arizona Revised Statutes, is amended to read:

11-872. Control techniques; rules; schedule for adoption

A. If the administrator of the United States environmental protection agency makes a finding relating to area A, as defined in section 49-541, pursuant to the clean air act amendments of 1990 (P.L. 101-549), section 172, the county shall adopt by rule the necessary emission limitations or other standards reflecting control techniques guidelines issued by the United States environmental protection agency pursuant to the clean air act amendments of 1990, section 183 in order to achieve emissions reductions sufficient to respond to the finding.

B. The county shall begin to develop rules ~~which~~ THAT incorporate the provisions of the control techniques guidelines being developed by the United States environmental protection agency. The rule making process shall parallel as closely as possible the United States environmental protection agency process and incorporate adequate public notice and comment. The county shall make every practical effort to assure the rules are consistent with the concepts and provisions embodied in the United States environmental protection agency process. Within sixty days ~~of~~ AFTER the formal adoption of the United States environmental protection agency control techniques guidelines for an industry sector, the county shall adopt rules, emission limitations or other standards reflecting such guidelines. If the guidelines are required pursuant to subsection A of this section prior to formal adoption by the administrator of the guidelines, the county rules shall become effective within sixty days ~~of~~ AFTER the United States environmental

protection agency finding. The county shall determine which industry sector shall be subject to the requirements of this section.

C. If the director of the department of environmental quality determines that emissions inventory data, monitoring information and modeling or projections indicate it is likely that reasonable further progress or attainment will not be achieved in order to comply with the clean air act amendments of 1990 OR ACHIEVE OR MAINTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS OR OTHER AIR QUALITY STANDARDS APPLICABLE TO OZONE PRECURSORS, the county shall adopt rules necessary to achieve emissions reductions to achieve reasonable further progress or attainment. The rules shall be based on technically feasible controls to reduce the emissions of volatile organic compounds from industry sectors that the United States environmental protection agency is considering for control technique guidelines.

D. All emissions reductions required pursuant to this section shall be achieved FOR PURPOSES OF THE ONE-HOUR OZONE STANDARD no later than June 1, 1996 AND FOR PURPOSES OF THE EIGHT-HOUR AVERAGED OZONE STANDARD NO LATER THAN DECEMBER 31, 2008.

Sec. 5. Title 11, chapter 6, article 4, Arizona Revised Statutes, is amended by adding section 11-877, to read:

11-877. Air quality control measures

A. IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR, THE BOARD OF SUPERVISORS OF ANY COUNTY THAT CONTAINS ANY PORTION OF AREA A, AS DEFINED IN SECTION 49-541, SHALL DEVELOP, IMPLEMENT AND ENFORCE IN AREA A THE FOLLOWING AIR QUALITY CONTROL MEASURES:

1. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROHIBIT EMPLOYEES OR CONTRACTORS OF THAT COUNTY FROM OPERATING LEAF BLOWERS ON ANY HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY EXCEPT WHILE IN VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM BLOWING LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

2. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME BY ANY PERSON.

3. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN ORDINANCE THAT PROHIBITS THE OPERATION OF LEAF BLOWERS EXCEPT ON SURFACES THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE, HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

B. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

Sec. 6. Section 28-1098, Arizona Revised Statutes, is amended to read:

28-1098. Vehicle loads; restrictions; civil penalties

A. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, a person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except ~~that either~~ THE FOLLOWING ARE PERMITTED:

1. SUFFICIENT sand may be dropped for the purpose of securing traction.

2. Water or another substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

3. MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS FROM AGRICULTURAL LOADS.

B. A person shall not operate a vehicle on a highway with a load unless the load and any covering on the load are securely fastened in a manner to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

C. If a person is found in violation of this section and the violation:

1. Does not cause any damage or injury and is the person's:

(a) First violation in a sixty month period, the person is subject to a civil penalty of ~~up to~~ NOT MORE THAN two hundred fifty dollars.

(b) Second or subsequent violation in a sixty month period, the person is subject to a civil penalty of ~~up to~~ NOT MORE THAN three hundred fifty dollars.

2. Results in an accident causing serious physical injury as defined in section 13-105 to another person, the person is subject to a civil penalty of ~~up to~~ NOT MORE THAN five hundred dollars.

3. Results in an accident causing the death of another person, the person is subject to a civil penalty of ~~up to~~ NOT MORE THAN one thousand dollars.

Sec. 7. Section 28-6705, Arizona Revised Statutes, is amended to read:

28-6705. Public road and street maintenance

A. The board of supervisors may spend public monies for maintenance of public roads and streets other than legally designated state and county highways located without the limits of an incorporated city or town. Before spending public monies under this section, the roads or streets shall be both:

1. Laid out, opened and constructed without cost to the county.

2. Completed pursuant to a plat approved pursuant to sections 11-802 and 11-806.01 and in accordance with standard engineering road specifications adopted by the board of supervisors to ensure uniform compliance.

B. The board of supervisors may spend public monies for maintenance of public roads and streets laid out, constructed and opened before June 13,

1975 even if the roads and streets were not constructed in accordance with subsection A of this section.

C. Maintenance of a public road or street does not include purchasing or laying cement. To reduce long-term maintenance costs for maintenance authorized by this section, the board of supervisors may spend monies to add rock products, gravel and processed materials to the base of the roads and streets. Petroleum based or nonpetroleum based products may be used in the maintenance and repair of unpaved roads, alleys and shoulders identified pursuant to section 9-500.04 or ~~section~~ 49-474.01 OR UNPAVED ROADS, ALLEYS AND SHOULDERS IN ANY COUNTY WHERE THE CONTROL OFFICER AS DEFINED IN SECTION 49-471 CERTIFIES TO THE BOARD OF SUPERVISORS THAT EMISSIONS FROM SUCH ROADS, ALLEYS OR SHOULDERS MAY ENDANGER COMPLIANCE WITH THE NATIONAL AMBIENT AIR QUALITY STANDARD AS DEFINED IN SECTION 49-401.01.

Sec. 8. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007, chapter 145, section 1, is amended to read:

41-2083. Standards for motor fuel; exceptions

A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E, F, G, K, L, M and N of this section, a retail seller or fleet owner shall not store, sell or expose or offer for sale any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the director.

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

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

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

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

F. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand

1 persons or more and any portion of a county contained in area A as defined in
2 section 49-541 shall be 7.0 pounds per square inch from and after May 31
3 through September 30 of each year. Fuel used in motor vehicles at a
4 manufacturer's proving ground or a motor vehicle racing event as defined by
5 section 41-2121 is exempt from this subsection.
6 G. Exclusively for the purposes of transportation conformity and only
7 if the administrator of the United States environmental protection agency
8 fails to approve the applicable plan required pursuant to section 49-406,
9 maximum vapor pressure for gasoline that is supplied or sold by any person
10 and that is intended as a final product for the fueling of motor vehicles in
11 area B as defined in section 49-541 shall be ten pounds per square inch from
12 and after September 30 through March 31 of each year. Fuel used in motor
13 vehicles at a manufacturer's proving ground or a motor vehicle racing event
14 as defined by section 41-2121 is exempt from this subsection.
15 H. Notwithstanding subsections D, F and G of this section, the
16 director of the department of weights and measures in consultation with the
17 director of the department of environmental quality shall approve alternate
18 fuel control measures that are submitted by manufacturers or suppliers of
19 gasoline and that the directors determine will result in either of the
20 following:
21 1. Motor vehicle carbon monoxide emissions that are equal to or less
22 than emissions that result under compliance with subsection D of this section
23 and section 41-2123. In making this determination, the director of the
24 department of weights and measures and the director of the department of
25 environmental quality shall compare the emissions of the alternate fuel
26 control measure with the emissions of a fuel with a maximum vapor pressure
27 standard as prescribed by this section and with the minimum oxygen content or
28 percentage by volume of ethanol as prescribed by section 41-2123.
29 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
30 or less than the emissions that result under compliance with subsection F of
31 this section. In making this determination, the director of the department
32 of weights and measures and the director of the department of environmental
33 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
34 the alternate fuel control measure with the motor vehicle non-methane
35 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
36 standard as prescribed by subsection F of this section.
37 I. Any alternate fuel control measures that are approved shall not
38 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
39 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
40 subsection H of this section and this subsection may be used by any
41 manufacturer or supplier of gasoline unless the approval is rescinded more
42 than one hundred eighty days before the first day of a gasoline control
43 period. Manufacturers and suppliers who use an approved alternate fuel
44 control measure shall annually submit a compliance plan to the director of

the department of weights and measures no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell or offer or expose for sale diesel fuel grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

1. For low sulfur diesel fuel, five hundred parts per million by weight for use in area A as defined in section 49-541.

2. For ultra low sulfur diesel fuel, the amount that conforms with 40 Code of Federal Regulations section 80.520(a)(1).

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

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

1. The percentage of biodiesel in a final blend.

2. The volume of the finished product.

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

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

(a) Sulfur content.

(b) Aromatic hydrocarbon content.

(c) Cetane number.

(d) Specific gravity.

(e) American petroleum institute gravity.

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

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

N. A person shall label dispensers at which biodiesel is dispensed in such a manner as to notify other persons of the volume percentage of biodiesel in the finished product and that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

O. A person shall label each dispenser at which ultra low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

P. A person shall label each dispenser at which low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

Q. If any person transfers custody or title of a diesel fuel or distillate, except if the diesel fuel is dispensed into a motor vehicle or nonroad, locomotive or marine equipment, the transferor shall provide to the transferee product transfer documents that conform with 40 Code of Federal Regulations section 80.590.

R. If the transfer of a motor fuel is from a terminal, storage facility, or transmix facility, the product transfer documents shall contain the information prescribed in subsection Q of this section as well as the name and address of the final destination for the shipment, as prescribed by department rule, and must accompany the shipment to its final destination.

Sec. 9. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007, chapter 145, section 2, is amended to read:

41-2083. Standards for motor fuel; exceptions

A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E, F, G, K, L, M and N of this section, a retail seller or fleet owner shall not store, sell or expose or offer for sale any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the director.

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

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

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

E. From and after September 30 through March 31 of each year a person shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor

pressure/distillation class ten volume per cent evaporated distillation temperature.

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

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

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

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

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

I. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection H of this section and this subsection may be used by any

manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the director of the department of weights and measures no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell or offer or expose for sale diesel fuel grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

1. For low sulfur diesel fuel, five hundred parts per million by weight for use in area A as defined in section 49-541.

2. For ultra low sulfur diesel fuel, the amount that conforms with 40 Code of Federal Regulations section 80.520(a)(1).

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

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

1. The percentage of biodiesel in a final blend.

2. The volume of the finished product.

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

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

(a) Sulfur content.

(b) Aromatic hydrocarbon content.

(c) Cetane number.

(d) Specific gravity.

(e) American petroleum institute gravity.

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

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

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

biodiesel in the finished product and that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

O. A person shall label each dispenser at which ultra low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

P. A person shall label each dispenser at which low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

Q. If any person transfers custody or title of a diesel fuel or distillate, except if the diesel fuel is dispensed into a motor vehicle or nonroad, locomotive or marine equipment, the transferor shall provide to the transferee product transfer documents that conform with 40 Code of Federal Regulations section 80.590.

R. If the transfer of a motor fuel is from a terminal, storage facility, or transmix facility, the product transfer documents shall contain the information prescribed in subsection Q of this section as well as the name and address of the final destination for the shipment, as prescribed by department rule, and must accompany the shipment to its final destination.

Sec. 10. Title 41, chapter 15, article 3, Arizona Revised Statutes, is amended by adding section 41-2083.01, to read:

41-2083.01. <u>Area C; standards for motor fuel; exceptions</u>

A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D OF THIS SECTION, AFTER MAY 31, 2008, A RETAIL SELLER OR FLEET OWNER SHALL NOT STORE, SELL OR EXPOSE OR OFFER FOR SALE IN AREA C AS DEFINED IN SECTION 41-2121 ANY MOTOR FUEL, KEROSENE, OIL OR OTHER LIQUID OR GASEOUS FUEL OR LUBRICATING OIL, LUBRICANT, MIXTURES OF LUBRICANTS OR OTHER SIMILAR PRODUCTS IF THE PRODUCT FAILS TO MEET THE STANDARDS SPECIFIED IN THIS SECTION AND IN THE RULES ADOPTED BY THE DIRECTOR.

B. A PERSON SHALL NOT MISREPRESENT THE NATURE, ORIGINATION, QUALITY, GRADE OR IDENTITY OF ANY PRODUCT SPECIFIED IN SUBSECTION A OF THIS SECTION OR REPRESENT THE NATURE, ORIGINATION, QUALITY, GRADE OR IDENTITY OF SUCH PRODUCT IN ANY MANNER CALCULATED OR TENDING TO MISLEAD OR IN ANY WAY DECEIVE.

C. AFTER CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE STANDARDS AND TEST METHODS FOR MOTOR FUELS SHALL BE ESTABLISHED BY THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES BY RULE.

D. MAXIMUM VAPOR PRESSURE FOR GASOLINE THAT IS SUPPLIED OR SOLD BY ANY PERSON AND THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES IN AREA C AS DEFINED IN SECTION 41-2121 SHALL BE 7.0 POUNDS PER SQUARE INCH FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH YEAR. FUEL USED IN MOTOR VEHICLES AT A MANUFACTURER'S PROVING GROUND OR A MOTOR VEHICLE RACING EVENT AS DEFINED BY SECTION 41-2121 IS EXEMPT FROM THIS SUBSECTION.

E. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL APPROVE ALTERNATE FUEL CONTROL MEASURES THAT ARE SUBMITTED BY MANUFACTURERS OR SUPPLIERS OF GASOLINE AND THAT THE DIRECTORS DETERMINE WILL RESULT IN MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS THAT ARE EQUAL TO OR LESS THAN THE EMISSIONS THAT RESULT UNDER COMPLIANCE WITH SUBSECTION D OF THIS SECTION. IN MAKING THIS DETERMINATION, THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES AND THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL COMPARE THE MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS OF THE ALTERNATE FUEL CONTROL MEASURE WITH THE MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS OF A FUEL THAT COMPLIES WITH THE MAXIMUM VAPOR PRESSURE STANDARD AS PRESCRIBED BY SUBSECTION D OF THIS SECTION.

F. ANY ALTERNATE FUEL CONTROL MEASURES THAT ARE APPROVED SHALL NOT INCREASE EMISSIONS OF NON-METHANE HYDROCARBONS, PARTICULATES, CARBON MONOXIDE OR OXIDES OF NITROGEN. ALTERNATE FUEL CONTROL MEASURES APPROVED PURSUANT TO SUBSECTION E OF THIS SECTION AND THIS SUBSECTION MAY BE USED BY ANY MANUFACTURER OR SUPPLIER OF GASOLINE UNLESS THE APPROVAL IS RESCINDED MORE THAN ONE HUNDRED EIGHTY DAYS BEFORE THE FIRST DAY OF A GASOLINE CONTROL PERIOD. MANUFACTURERS AND SUPPLIERS WHO USE AN APPROVED ALTERNATE FUEL CONTROL MEASURE SHALL ANNUALLY SUBMIT A COMPLIANCE PLAN TO THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES NO LATER THAN SIXTY DAYS BEFORE THE FIRST DAY OF A GASOLINE CONTROL PERIOD.

Sec. 11. Section 41-2121, Arizona Revised Statutes, is amended to read:

41-2121. Definitions

In this article, unless the context otherwise requires:

1. "Area A" has the same meaning prescribed in section 49-541.

2. "Area B" has the same meaning prescribed in section 49-541.

3. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AS DEFINED IN SECTION 49-541 AND THAT PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY INDIAN TRIBE, BAND, GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED STATES SECRETARY OF THE INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

~~3.~~ 4. "Fleet owner" means a registered owner or lessee of at least twenty-five vehicles.

~~4.~~ 5. "Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than five one-hundredths grams of lead for each United States gallon, that is produced, refined, manufactured, blended, distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other flammable liquids free from undissolved water, sediment or suspended matter, with or without additives, and that is commonly used as a

fuel for spark ignition internal combustion engines. Gasoline does not include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

~~5.~~ 6. "Manufacturer's proving ground" means a facility whose sole purpose is to develop complete advanced vehicles for an automotive manufacturer.

~~6.~~ 7. "Motor vehicle racing event" means a race that uses unlicensed vehicles that are designed and manufactured specifically for racing purposes and that is conducted on a public or private racecourse for the entertainment of the general public. A motor vehicle racing event includes practice, qualifying and demonstration laps conducted as part of the activities related to a motor vehicle race.

~~7.~~ 8. "Oxygenate" means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and that is approved as a blending agent under the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

~~8.~~ 9. "Oxygenated fuel" means an unleaded motor fuel blend that consists primarily of gasoline and at least one and one-half per cent by weight of one or more oxygenates and that has been blended consistent with the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

~~9.~~ 10. "Product transfer document" means any bill of lading, loading ticket, manifest, delivery receipt, invoice or other documentation used on any occasion when a person transfers custody or title of motor fuel other than when motor fuel is sold or dispensed at a service station or fleet vehicle fueling facility.

~~10.~~ 11. "Supplier" means any person who imports gasoline into a vehicle emissions control area by means of a pipeline or in truckload quantities for the person's own use within the vehicle emissions control area or any person who sells gasoline intended for ultimate consumption within a vehicle emissions control area, except that supplier does not mean a person with respect to gasoline supplied or sold by the person to another for resale to a retailer within a vehicle emissions control area or to a fleet owner for consumption within a vehicle emissions control area.

~~11.~~ 12. "Vehicle emissions control area" has the same meaning prescribed in section 49-541, except that such an area does not include a manufacturer's proving ground that is located in the vehicle emissions control area.

Sec. 12. Title 41, chapter 15, article 6, Arizona Revised Statutes, is amended by adding section 41-2124.01, to read:

41-2124.01. <u>Area C; fuel reformulation; rules</u>

A. FROM AND AFTER MAY 31, 2008 THROUGH SEPTEMBER 30, 2008 AND DURING THE PERIOD FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH SUBSEQUENT YEAR, ALL GASOLINE PRODUCED AND SHIPPED TO OR WITHIN THIS STATE AND SOLD OR

OFFERED FOR SALE FOR USE IN MOTOR VEHICLES IN AREA C SHALL COMPLY WITH EITHER OF THE FOLLOWING FUEL REFORMULATION OPTIONS:

1. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTION 80.41, PARAGRAPHS (e) THROUGH (h), IN EFFECT ON JANUARY 1, 1999, EXCEPT THAT THE MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01, SUBSECTION D.

2. CALIFORNIA PHASE 2 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13, SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON JANUARY 1, 1997, EXCEPT THAT THE MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01, SUBSECTION D.

B. ANY REGISTERED SUPPLIER, AS DEFINED IN DEPARTMENT RULES, MAY PETITION THE DIRECTOR TO REQUEST THAT ALL REGISTERED SUPPLIERS BE ALLOWED TO SUPPLY GASOLINE IN AREA C THAT DOES NOT MEET THE STANDARDS IN SUBSECTION A OF THIS SECTION IF THE PETITIONER DEMONSTRATES THAT A SHORTAGE IN THE SUPPLY OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION IS IMMINENT.

C. A PETITION UNDER SUBSECTION B OF THIS SECTION SHALL:

1. IDENTIFY SPECIFIC SUPPLY CONDITIONS THAT WILL RESULT IN A SHORTAGE OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

2. IDENTIFY THE FORMULATION OF GASOLINE THAT WILL BE SOLD IN AREA C IN LIEU OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

3. SPECIFY A TIME PERIOD FOR COMPLIANCE WITH THE STANDARDS OF SUBSECTION A OF THIS SECTION NOT TO EXCEED SIXTY DAYS.

D. THE DIRECTOR SHALL EITHER GRANT OR DENY A PETITION UNDER SUBSECTION B OF THIS SECTION IN WRITING WITHIN SEVEN DAYS OF ITS RECEIPT. ANY DECISION BY THE DIRECTOR TO GRANT THE PETITION SHALL BE EQUALLY APPLICABLE TO ALL REGISTERED SUPPLIERS AND SHALL NOT BE SELECTIVELY APPLIED TO ANY SINGLE REGISTERED SUPPLIER. THE PETITION MAY BE GRANTED ONLY IF THE DIRECTOR VERIFIES THAT THE BASIS FOR REQUESTING THE PETITION IS FACTUAL.

E. THE DIRECTOR MAY REAUTHORIZE A PETITION GRANTED UNDER SUBSECTION B OF THIS SECTION IF THE PETITIONER DEMONSTRATES THAT THE CONDITIONS IDENTIFIED IN THE PETITION HAVE CONTINUED. THE REAUTHORIZATION OF A PETITION SHALL NOT EXCEED THIRTY DAYS.

F. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE GRANTING, REAUTHORIZING OR DENYING ANY PETITION UNDER SUBSECTION B OF THIS SECTION.

G. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL ADOPT BY RULE:

1. REQUIREMENTS TO IMPLEMENT SUBSECTIONS A, B AND C OF THIS SECTION.

2. REQUIREMENTS FOR RECORD KEEPING, REPORTING AND ANALYTICAL METHODS FOR FUEL PROVIDERS TO DEMONSTRATE COMPLIANCE WITH SUBSECTION A OF THIS SECTION.

H. THIS SECTION DOES NOT APPLY TO FUEL SOLD FOR USE AT A MOTOR VEHICLE MANUFACTURER PROVING GROUND OR AT A MOTOR VEHICLE RACING EVENT.

Sec. 13. Section 41-2124.01, Arizona Revised Statutes, as added by section 12 of this act, is amended to read:

41-2124.01. Area C; fuel reformulation; rules

A. From and after May 31, 2008 through September 30, 2008 and during the period from and after May 31 through September 30 of each subsequent year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in area C shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section 41-2083.01, subsection D.

2. California phase ~~2~~ 3 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through ~~2262.7 and~~ 2263, 2265 AND 2266.5, in effect on ~~January 1, 1997~~ MAY 1, 2003, ~~except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum~~ INCLUDING vapor pressure requirements ~~in section 41-2083.01, subsection D~~ CONTAINED IN SECTION 2262.4.

B. Any registered supplier, as defined in department rules, may petition the director to request that all registered suppliers be allowed to supply gasoline in area C that does not meet the standards in subsection A of this section if the petitioner demonstrates that a shortage in the supply of gasoline meeting the standards in subsection A of this section is imminent.

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

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

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

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

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

E. The director may reauthorize a petition granted under subsection G of this section if the petitioner demonstrates that the conditions identified

in the petition have continued. The reauthorization of a petition shall not exceed thirty days.

F. The director of the department of weights and measures shall consult with the director of the department of environmental quality before granting, reauthorizing or denying any petition under subsection B of this section.

G. The director of the department of environmental quality in consultation with the director of the department of weights and measures shall adopt by rule:

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

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

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

Sec. 14. Section 49-457, Arizona Revised Statutes, is amended to read:

49-457. Agricultural best management practices committee; members; powers; permits; definitions

A. A best management practices committee for regulated agricultural activities is established.

B. The committee shall consist of:

1. The director OF ENVIRONMENTAL QUALITY or the director's designee.

2. The director of the ARIZONA department of agriculture or the director's designee.

3. The dean of the college of agriculture of the university of Arizona or the dean's designee.

4. The state director of the United States natural resources conservation service or the director's designee.

5. One person actively engaged in the production of citrus.

6. One person actively engaged in the production of vegetables.

7. One person actively engaged in the production of cotton.

8. One person actively engaged in the production of alfalfa.

9. One person actively engaged in the production of grain.

10. One soil taxonomist from the university of Arizona college of agriculture.

C. The governor shall appoint the members designated pursuant to subsection ~~A~~ B, paragraphs 5 through 10 of this section for a term of six years. Members may be reappointed. Members are not entitled to compensation for their services but are entitled to receive reimbursement of expenses pursuant to ~~section 38-611, subsection D~~ TITLE 38, CHAPTER 4, ARTICLE 2.

D. The committee shall elect a chairman from the appointed members to serve a two year term.

E. The committee shall meet at the call of the chairman or at the request of a majority of the appointed members.

F. The department of environmental quality, the ARIZONA department of agriculture and the college of agriculture of the university of Arizona shall cooperate with and provide technical assistance and any necessary information to the committee. The department of environmental quality shall provide the necessary staff support and meeting facilities for the committee.

G. Notwithstanding subsections I, J and K of this section, a person engaged in a regulated agricultural activity on ~~the effective date of this section~~ AUGUST 21, 1998 shall comply with the general permit as provided in subsection H of this section by December 31, 2001. A person who commences a regulated agricultural activity after December 31, 2000~~,~~ shall comply with the general permit within eighteen months of commencing the activity.

H. By June 10, 2000, the committee shall adopt, by rule, an agricultural general permit specifying best management practices for regulated agricultural activities to reduce PM-10 particulate emissions. A person subject to an agricultural general permit pursuant to this section is not subject to a permit issued pursuant to section 49-426 except as provided in subsection K of this section. The committee shall adopt by rule a list of best management practices, at least ~~one~~ TWO of which shall be used to demonstrate compliance with applicable provisions of the general permit no later than December 31, ~~2001~~ 2007. Best management practices may vary within the ~~Maricopa PM-10 particulate nonattainment~~ REGULATED area, according to regional or geographical conditions or cropping patterns. The director shall submit the rule to the United States environmental protection agency as a revision to the applicable implementation plan ~~within sixty days of adoption~~ NO LATER THAN DECEMBER 31, 2007.

I. If the director determines that a person engaged in a regulated activity is not in compliance with the general permit, and that person has not previously been subject to a compliance order issued pursuant to this section, the director may serve upon the person by certified mail an order requiring compliance with the general permit and notifying the person of the opportunity for a hearing pursuant to title 41, chapter 6, article 10. The order shall state with reasonable particularity the nature of the noncompliance and shall specify that the person has a period that the director determines is reasonable, but is not less than six months, to submit a plan to the supervisors of the natural resource conservation district in which the person engages in the regulated activity that specifies the best management practices from among those adopted in rule pursuant to subsection H of this section that the person will use to comply with the general permit.

J. If the director determines that a person engaged in a regulated activity is not in compliance with the general permit, and that person has previously submitted a plan pursuant to subsection I of this section, the director may serve upon the person by certified mail an order requiring compliance with the general permit and notifying the person of the opportunity for a hearing pursuant to title 41, chapter 6, article 10. The order shall state with reasonable particularity the nature of the

noncompliance and shall specify that the person has a period that the director determines is reasonable, but is not less than six months, to submit a plan to the department that specifies the best management practices from among those adopted in rule pursuant to subsection H of this section that the person will use to comply with the general permit.

K. If a person fails to comply with the plan submitted pursuant to subsection J of this section, the director may revoke the agricultural general permit for that person and ~~to~~ require that the person obtain an individual permit pursuant to section 49-426. A revocation becomes effective after the director has provided the person with notice and an opportunity for a hearing pursuant to title 41, chapter 6, article 10.

L. The committee may periodically reexamine, evaluate and modify best management practices. Any approved modifications shall be submitted to the United States environmental protection agency as a revision to the applicable implementation plan.

M. The committee shall develop and commence an education program by June 10, 2000. The education program shall be conducted by the director or the director's designee or designees.

N. In this section, unless the context otherwise requires:

1. "Agricultural general permit" means best management practices that:

(a) Reduce PM-10 particulate emissions from tillage practices and from harvesting on a commercial farm.

(b) Reduce PM-10 particulate emissions from those areas of a commercial farm that are not normally in crop production.

(c) Reduce PM-10 particulate emissions from those areas of a commercial farm that are normally in crop production including prior to plant emergence and when the land is not in crop production.

2. "Applicable implementation plan" means that term as defined in 42 United States Code SECTION 7601(q).

3. "Best management practices" means techniques THAT ARE verified by scientific research~~,~~ AND that on a case by case basis are practical, economically feasible and effective in reducing PM-10 particulate emissions from a regulated agricultural activity.

4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix planning area as set forth in 40 Code of Federal Regulations ~~part~~ SECTION 81.303.

5. "Regulated agricultural activities" means commercial farming practices that may produce PM-10 particulate emissions within the ~~Maricopa PM-10 particulate nonattainment area~~ REGULATED AREA.

6. "REGULATED AREA" MEANS THE MARICOPA PM-10 NONATTAINMENT AREA AND ANY PORTION OF AREA A THAT IS LOCATED IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS.

Sec. 15. Title 49, chapter 3, article 2, Arizona Revised Statutes, is amended by adding sections 49-457.01, 49-457.02, 49-457.03 and 49-457.04, to read:

49-457.01. Leaf blower use restrictions and training; leaf blower equipment sellers; informational material; outreach; applicability

A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

B. AFTER MARCH 31, 2008, NO PERSON MAY USE A LEAF BLOWER TO BLOW LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS.

C. AFTER MARCH 31, 2008, NO PERSON MAY OPERATE A LEAF BLOWER EXCEPT ON SURFACES THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE, HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

D. AT LEAST ONCE EVERY THREE YEARS, ANY PERSON OPERATING A LEAF BLOWER FOR REMUNERATION SHALL SUCCESSFULLY COMPLETE TRAINING APPROVED BY THE DEPARTMENT ON HOW TO OPERATE A LEAF BLOWER IN A MANNER DESIGNED TO MINIMIZE THE GENERATION OF FUGITIVE DUST EMISSIONS. ANY PERSON WHO IS REQUIRED TO BE TRAINED UNDER THIS SUBSECTION SHALL COMPLETE INITIAL TRAINING NO LATER THAN DECEMBER 31, 2008.

E. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS EQUIPMENT THAT IS USED FOR BLOWING LANDSCAPE DEBRIS SHALL PROVIDE TO THE BUYER OR RENTER OF THE EQUIPMENT PRINTED MATERIALS THAT ARE APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

F. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE MATERIALS TO PERSONS WHO SELL OR RENT EQUIPMENT USED FOR BLOWING LANDSCAPE DEBRIS. THE PRINTED MATERIALS SHALL BE DESIGNED TO EDUCATE AND INFORM THE USER OF THE EQUIPMENT ON THE SAFE AND EFFICIENT USE OF THE EQUIPMENT, INCLUDING METHODS FOR REDUCING THE GENERATION OF DUST, AND SHALL INCLUDE INFORMATION REGARDING DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE APPLICABLE.

G. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

49-457.02. Dust-free developments program; certification; seal

A. THE DEPARTMENT SHALL ESTABLISH THE DUST-FREE DEVELOPMENTS PROGRAM TO ENCOURAGE AND RECOGNIZE PERSONS AND ENTITIES THAT DEMONSTRATE EXCEPTIONAL COMMITMENT TO THE REDUCTION OF AIRBORNE DUST IN A COUNTY WITH A POPULATION OF MORE THAN TWO MILLION PERSONS AND IN THE PM-10 NONATTAINMENT AREA THAT CONTAINS THE CITY OF APACHE JUNCTION. THE PROGRAM SHALL INCLUDE A VOLUNTARY CERTIFICATION PROCESS BASED ON CRITERIA DEVELOPED BY THE DEPARTMENT.

B. ANY PERSON OR ENTITY MAY APPLY FOR CERTIFICATION UNDER THE PROGRAM, AND IF APPROVED, MAY LAWFULLY USE A CERTIFICATION, SEAL, LOGO OR OTHER SIMILAR INDICATOR ESTABLISHED BY THE DEPARTMENT. A PERSON OR ENTITY THAT IS CERTIFIED UNDER THE PROGRAM MAY USE THE CERTIFICATION FOR PROMOTIONAL, CIVIC, PUBLIC RELATIONS OR PUBLIC INVOLVEMENT PURPOSES.

C. NOTWITHSTANDING SECTION 41-3102, THIS PROGRAM DOES NOT INCLUDE A SPECIFIC EXPIRATION DATE.

49-457.03. Off-road vehicles; pollution advisory days; applicability; penalties

A. IN AREA A, AS DEFINED IN SECTION 49-541, A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE, AN ALL-TERRAIN VEHICLE OR AN OFF-ROAD RECREATIONAL MOTOR VEHICLE ON AN UNPAVED SURFACE THAT IS NOT A PUBLIC OR PRIVATE ROAD, STREET OR LAWFUL EASEMENT DURING ANY HIGH POLLUTION ADVISORY DAY FORECAST FOR PARTICULATE MATTER BY THE DEPARTMENT.

B. THIS SECTION DOES NOT APPLY TO:

1. AN EVENT THAT IS INTENDED FOR OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES AND THAT IS ENDORSED, AUTHORIZED, PERMITTED OR SPONSORED BY A PUBLIC AGENCY, THAT OCCURS ON A DESIGNATED ROUTE OR AREA AND THAT INCLUDES DUST ABATEMENT MEASURES AT ALL STAGING AREAS, PARKING AREAS AND ENTRANCES.

2. AN EVENT THAT OCCURS AT A FACILITY FOR WHICH AN ADMISSION OR USER FEE IS CHARGED AND THAT INCLUDES DUST ABATEMENT MEASURES.

3. A CLOSED COURSE THAT IS MAINTAINED WITH DUST ABATEMENT MEASURES.

4. AN OFF-HIGHWAY VEHICLE, ALL-TERRAIN VEHICLE OR OFF-ROAD RECREATIONAL MOTOR VEHICLE USED IN THE NORMAL COURSE OF BUSINESS OR THE NORMAL COURSE OF GOVERNMENT OPERATIONS.

5. GOLF CARTS THAT ARE USED AS PART OF A PRIVATE OR PUBLIC GOLF COURSE OPERATION.

C. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:

1. A WARNING FOR THE FIRST VIOLATION.

2. THE IMPOSITION OF A CIVIL PENALTY OF FIFTY DOLLARS FOR THE SECOND VIOLATION.

3. THE IMPOSITION OF A CIVIL PENALTY OF ONE HUNDRED DOLLARS FOR THE THIRD VIOLATION.

4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR THE FOURTH OR ANY SUBSEQUENT VIOLATION.

D. FOR VIOLATIONS OF THIS SECTION, THE CONTROL OFFICER OR OTHER ENFORCEMENT OFFICER SHALL USE A UNIFORM CIVIL TICKET AND COMPLAINT SUBSTANTIALLY SIMILAR TO A UNIFORM TRAFFIC TICKET AND COMPLAINT PRESCRIBED BY THE RULES OF PROCEDURE IN CIVIL TRAFFIC CASES ADOPTED BY THE SUPREME COURT. THE CONTROL OFFICER OR OTHER ENFORCEMENT OFFICER MAY ISSUE CITATIONS TO PERSONS IN VIOLATION OF THIS SECTION.

49-457.04. Off-highway vehicle and all-terrain vehicle dealers; informational material; outreach; applicability

A. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES, OTHER THAN GOLF CARTS SOLD TO PUBLIC OR PRIVATE GOLF COURSES, SHALL PROVIDE TO THE BUYER OR RENTER OF THE VEHICLE PRINTED MATERIALS THAT ARE APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

B. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE MATERIALS TO PERSONS WHO SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES. THE PRINTED MATERIALS SHALL BE DESIGNED TO EDUCATE AND INFORM THE USER OF THE VEHICLE ON METHODS FOR REDUCING THE GENERATION OF DUST AND SHALL INCLUDE INFORMATION REGARDING DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE APPLICABLE. THE DEPARTMENT SHALL MAKE AVAILABLE ON THE DEPARTMENT'S WEBSITE THE PRINTED MATERIALS IN A FORMAT THAT IS ACCESSIBLE TO THE PUBLIC.

C. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

Sec. 16. Section 49-474.01, Arizona Revised Statutes, is amended to read:

49-474.01. Additional board duties in vehicle emissions control areas; definitions

A. The board of supervisors of a county which contains any portion of area A or area B as defined in section 49-541 shall:

1. In area A, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all existing and new roadways, within the unincorporated area and at jurisdictional boundaries, which have a traffic flow exceeding fifteen thousand motor vehicles per day.

2. In area A, beginning ~~on~~ January 1, 2000, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting roads, alleys and arterials, a schedule for implementation, funding options and reporting requirements.

3. In area A, acquire or utilize vacuum systems or other dust removal technology to reduce the particulates attributable to conventional crack sealing operations as existing equipment is retired.

4. IN AREA A, BEGINNING JANUARY 1, 2008, DEVELOP AND IMPLEMENT PLANS TO STABILIZE TARGETED UNPAVED ROADS, ALLEYS AND UNPAVED SHOULDERS ON TARGETED ARTERIALS. THE PLANS SHALL ADDRESS THE PERFORMANCE GOALS, THE CRITERIA FOR TARGETING THE ROADS, ALLEYS AND SHOULDERS, A SCHEDULE FOR IMPLEMENTATION, FUNDING OPTIONS AND REPORTING REQUIREMENTS. PRIORITY SHALL BE GIVEN TO THE FOLLOWING:

(a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

(b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED TRAFFIC VOLUME.

5. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER THAN RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING DUSTPROOF PAVING METHODS:

(a) ASPHALTIC CONCRETE.

(b) CEMENT CONCRETE.

(c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL AGGREGATE.

(d) A STABILIZATION METHOD APPROVED BY THE COUNTY.

6. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009, COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS THREE THOUSAND SQUARE FEET OR MORE IN SIZE AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH A PAVING OR STABILIZATION METHOD AUTHORIZED BY THE COUNTY BY CODE, ORDINANCE OR PERMIT.

7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR UNSTABILIZED VACANT LOTS.

8. IN AREA A, REQUIRE THAT NEW OR RENEWED CONTRACTS FOR STREET SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH STREET SWEEPERS THAT MEET THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1186 STREET SWEEPER CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY AND PM-10 EMISSIONS IN EFFECT ON JANUARY 1, 2007.

~~4.~~ 9. In area B, synchronize traffic control signals on roadways with a traffic flow exceeding fifteen thousand motor vehicles per day.

~~5.~~ 10. Implement adjusted work hours for at least eighty-five per cent of county employees in area A each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide concentrations caused by vehicular travel.

11. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA

THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31, 2008, ADOPT RULE PROVISIONS, AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE RULE PROVISIONS REGARDING THE STABILIZATION OF DISTURBED SURFACES OF VACANT LOTS THAT INCLUDE THE FOLLOWING:

(a) REASONABLE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT OR THE OWNER'S STATUTORY AGENT THAT THE UNPAVED DISTURBED SURFACE OF A VACANT LOT IS REQUIRED TO BE STABILIZED. THE NOTICE SHALL BE GIVEN NOT LESS THAN THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE AND SHALL INCLUDE A LEGAL DESCRIPTION OF THE PROPERTY AND THE ESTIMATED COST TO THE COUNTY FOR THE STABILIZATION IF THE OWNER DOES NOT COMPLY. THE NOTICE SHALL BE EITHER PERSONALLY SERVED OR MAILED BY CERTIFIED MAIL TO THE OWNER'S STATUTORY AGENT, TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS OR TO THE ADDRESS TO WHICH THE TAX BILL FOR THE PROPERTY WAS LAST MAILED.

(b) AUTHORITY FOR THE COUNTY TO ENTER THE LOT TO STABILIZE THE DISTURBED SURFACE AT THE EXPENSE OF THE OWNER IF THE VACANT LOT HAS NOT BEEN STABILIZED BY THE DAY SET FOR COMPLIANCE.

(c) METHODS FOR STABILIZATION OF THE DISTURBED SURFACE OF THE VACANT LOT, THE ACTUAL COST OF STABILIZATION AND THE FINE THAT MAY BE IMPOSED FOR A VIOLATION OF THIS SECTION.

B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 11 OF THIS SECTION:

1. "DISTURBED SURFACE" MEANS A PORTION OF THE EARTH'S SURFACE OR MATERIAL PLACED ON THE EARTH'S SURFACE THAT HAS BEEN PHYSICALLY MOVED, UNCOVERED, DESTABILIZED OR OTHERWISE MODIFIED FROM ITS UNDISTURBED NATIVE CONDITION IF THE POTENTIAL FOR THE EMISSION OF FUGITIVE DUST IS INCREASED BY THE MOVEMENT, DESTABILIZATION OR MODIFICATION.

2. VACANT LOTS DO NOT INCLUDE ANY SITE OF DISTURBED SURFACE AREA THAT IS SUBJECT TO A PERMIT ISSUED BY A CONTROL OFFICER THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

~~B.~~ C. The board of supervisors of a county that contains any portion of area A as defined in section 49-541 shall make and enforce ordinances consistent with section 49-588 to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is within area A.

~~C.~~ D. The board of supervisors in a county that contains any portion of area A shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels and clean burning fuels in county owned vehicles operating in area A.

~~D.~~ E. The plan shall include a timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion. The timetable shall reflect the following schedule and percentage of vehicles that operate on alternative fuels or clean burning fuels:

1. At least eighteen per cent of the total fleet by December 31, 1995.

2. At least twenty-five per cent of the total fleet by December 31, 1996.

3. At least fifty per cent of the total fleet by December 31, 1998.

4. At least seventy-five per cent of the total fleet by December 31, 2000 and each year thereafter.

~~E.~~ F. The requirements of subsections ~~C~~ D and ~~D~~ E of this section may be waived on receipt of certification supported by evidence acceptable to the department that the county is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than ten per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department pursuant to section 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more, that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate emissions at least twenty-five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to section 49-555.

~~F.~~ G. If the requirements of subsections ~~C~~ D and ~~D~~ E of this section are met by the use of clean burning fuel, vehicle equivalents under those requirements shall be calculated as follows:

1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in section 1-215, paragraph 7, subdivision (b).

2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in section 1-215, paragraph 7, subdivision (d).

H. SUBSECTION A, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION DO NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

~~G.~~ I. For the purposes of this section, "alternative fuel" and "clean burning fuel" have the same meanings prescribed in section 1-215.

Sec. 17. Title 49, chapter 3, article 3, Arizona Revised Statutes, is amended by adding sections 49-474.05, 49-474.06 and 49-474.07, to read:

49-474.05. <u>Dust control; training; site coordinators</u>

A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

B. NO LATER THAN JANUARY 1, 2008, THE CONTROL OFFICER SHALL DEVELOP AND IMPLEMENT BASIC AND COMPREHENSIVE TRAINING PROGRAMS FOR THE SUPPRESSION OF PM-10 EMISSIONS FROM SOURCES OF PM-10 THAT ARE SUBJECT TO A PERMIT ISSUED BY A CONTROL OFFICER THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST

1 GENERATING OPERATIONS. THE CONTROL OFFICER MAY APPROVE TRAINING DEVELOPED
2 AND PROVIDED BY A THIRD PARTY AND THE BOARD OF SUPERVISORS MAY ADOPT RULES
3 PRESCRIBING STANDARDS FOR DUST CONTROL TRAINING.
4 C. AT LEAST ONCE EVERY THREE YEARS, THE FOLLOWING PERSONS ARE REQUIRED
5 TO SUCCESSFULLY COMPLETE BASIC DUST CONTROL TRAINING:
6 1. THE SITE SUPERINTENDENT OR OTHER DESIGNATED ON-SITE REPRESENTATIVE
7 OF THE PERMIT HOLDER IF PRESENT AT A SITE THAT HAS MORE THAN ONE ACRE OF
8 DISTURBED SURFACE AREA THAT IS SUBJECT TO A PERMIT ISSUED BY A CONTROL
9 OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.
10 2. WATER TRUCK AND WATER PULL DRIVERS.
11 D. PERSONS WHO ARE REQUIRED TO BE TRAINED UNDER THIS SECTION SHALL
12 COMPLETE THE TRAINING NO LATER THAN DECEMBER 31, 2008. ALL PERSONS WHO HAVE
13 SUCCESSFULLY COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE
14 DEEMED TO HAVE SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED
15 WAS CONDUCTED OR APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.
16 COMPLETION OF THE TRAINING REQUIRED UNDER SUBSECTION G SATISFIES THE
17 REQUIREMENTS OF THIS SUBSECTION.
18 E. NO LATER THAN JUNE 30, 2008, THE PERMITTEE FOR ANY SITE OF FIVE
19 ACRES OR MORE OF DISTURBED SURFACE AREA SUBJECT TO A PERMIT ISSUED BY A
20 CONTROL OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING
21 OPERATIONS SHALL HAVE ON SITE AT LEAST ONE DUST CONTROL COORDINATOR TRAINED
22 IN ACCORDANCE WITH THIS SECTION AT ALL TIMES DURING PRIMARY DUST GENERATING
23 OPERATIONS RELATED TO THE PURPOSES FOR WHICH THE DUST CONTROL PERMIT WAS
24 OBTAINED.
25 F. A DUST CONTROL COORDINATOR HAS FULL AUTHORITY TO ENSURE THAT DUST
26 CONTROL MEASURES ARE IMPLEMENTED ON SITE, INCLUDING CONDUCTING INSPECTIONS,
27 DEPLOYMENT OF DUST SUPPRESSION RESOURCES AND MODIFICATION OR SHUTDOWN OF
28 ACTIVITIES AS NEEDED TO CONTROL DUST. THE DUST CONTROL COORDINATOR SHALL BE
29 RESPONSIBLE FOR MANAGING DUST PREVENTION AND DUST CONTROL ON THE SITE.
30 G. AT LEAST ONCE EVERY THREE YEARS, THE DUST CONTROL COORDINATOR SHALL
31 SUCCESSFULLY COMPLETE A COMPREHENSIVE DUST CONTROL CLASS CONDUCTED OR
32 APPROVED UNDER SUBSECTION A BY THE COUNTY AIR POLLUTION CONTROL OFFICER WITH
33 JURISDICTION OVER THE SITE. THE DUST CONTROL COORDINATOR SHALL HAVE A VALID
34 DUST TRAINING CERTIFICATION IDENTIFICATION CARD READILY ACCESSIBLE ON SITE
35 WHILE ACTING AS A DUST CONTROL COORDINATOR. ALL PERSONS HAVING SUCCESSFULLY
36 COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE DEEMED TO HAVE
37 SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED WAS CONDUCTED OR
38 APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.
39 H. SUBSECTIONS C AND D DO NOT APPLY WHEN ON-SITE DUST GENERATING
40 OPERATIONS ARE CONDUCTED BY A PERMITTEE WHO IS REQUIRED TO OBTAIN A SINGLE
41 PERMIT FOR MULTIPLE NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER
42 AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS.
43 I. THE REQUIREMENTS OF SUBSECTIONS E AND F LAPSE IF ALL OF THE
44 FOLLOWING APPLY:
45 1. THE AREA OF THE DISTURBED SURFACE AREA IS LESS THAN FIVE ACRES.

2. THE PREVIOUSLY DISTURBED AREAS ARE STABILIZED IN ACCORDANCE WITH THE REQUIREMENTS OF APPLICABLE RULES.

3. THE PERMITTEE PROVIDES NOTICE OF THE ACREAGE STABILIZED TO THE CONTROL OFFICER.

J. PERMITTEES WHO ARE REQUIRED TO OBTAIN A SINGLE PERMIT FOR MULTIPLE NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS SHALL HAVE ON SITES WITH GREATER THAN ONE ACRE OF DISTURBED SURFACE AREA AT LEAST ONE INDIVIDUAL WHO IS DESIGNATED BY THE PERMITTEE AS A DUST CONTROL COORDINATOR TRAINED IN ACCORDANCE WITH SUBSECTION C. THE DUST CONTROL COORDINATOR SHALL BE PRESENT ON SITE AT ALL TIMES DURING PRIMARY DUST GENERATING ACTIVITIES THAT ARE RELATED TO THE PURPOSES FOR WHICH THE PERMIT WAS OBTAINED. THIS SUBSECTION DOES NOT APPLY TO PERMITTEES SUBJECT TO SUBSECTIONS B AND C.

49-474.06. Dust control; subcontractor registration; fee

A. IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, A SUBCONTRACTOR WHO IS ENGAGED IN DUST GENERATING OPERATIONS AT A SITE THAT IS SUBJECT TO A PERMIT THAT IS ISSUED BY A CONTROL OFFICER AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS SHALL REGISTER WITH THE CONTROL OFFICER BY SUBMITTING INFORMATION IN THE MANNER PRESCRIBED BY THE CONTROL OFFICER. THE CONTROL OFFICER SHALL ISSUE A REGISTRATION NUMBER AFTER PAYMENT OF THE FEE AUTHORIZED UNDER SUBSECTION C.

B. THE SUBCONTRACTOR SHALL HAVE ITS REGISTRATION NUMBER READILY ACCESSIBLE ON SITE WHILE CONDUCTING ANY DUST GENERATING OPERATIONS.

C. THE CONTROL OFFICER MAY ESTABLISH AND ASSESS A FEE FOR THE REGISTRATION REQUIRED UNDER SUBSECTION A BASED ON THE TOTAL COST OF PROCESSING THE REGISTRATION AND ISSUANCE OF A REGISTRATION NUMBER.

49-474.07. Voluntary diesel equipment retrofit program; criteria; inventory; permits

A. A COUNTY WITH A POPULATION OF MORE THAN FOUR HUNDRED THOUSAND PERSONS SHALL OPERATE AND ADMINISTER A VOLUNTARY DIESEL EMISSIONS RETROFIT PROGRAM IN THE COUNTY FOR THE PURPOSE OF REDUCING PARTICULATE EMISSIONS FROM DIESEL EQUIPMENT. THE PROGRAM SHALL PROVIDE FOR REAL AND QUANTIFIABLE EMISSIONS REDUCTIONS BASED ON ACTUAL EMISSIONS REDUCTIONS BY AN AMOUNT GREATER THAN THAT ALREADY REQUIRED BY APPLICABLE LAW, RULE, PERMIT OR ORDER AND COMPUTED BASED ON THE PERCENTAGE EMISSIONS REDUCTIONS FROM THE TESTING OF THE DIESEL RETROFIT EQUIPMENT PRESCRIBED IN SUBSECTION C AS APPLIED TO THE RATED EMISSIONS OF THE ENGINE AND USING THE STANDARD OPERATING HOURS OF THE EQUIPMENT.

B. A PERSON MAY PARTICIPATE IN THE PROGRAM IF BOTH OF THE FOLLOWING APPLY:

1. THE PERSON IS THE OWNER OF DIESEL POWERED EQUIPMENT THAT REQUIRES A PERMIT ISSUED PURSUANT TO THIS ARTICLE FOR LAWFUL OPERATION.

2. THE PERSON REPORTS TO THE CONTROL OFFICER ON THE TYPE OF EQUIPMENT THAT IS RETROFITTED, PROVIDES A METHOD FOR CALCULATING THE EMISSIONS REDUCTIONS ACHIEVED THAT IS APPROVED BY THE CONTROL OFFICER AND PROVIDES EVIDENCE THAT THE RETROFITTED EQUIPMENT IS ACTUALLY USED IN A MANNER THAT RESULTS IN LOWER PARTICULATE EMISSIONS WITH NO INCREASE IN EMISSIONS OF OTHER POLLUTANTS.

C. THE VOLUNTARY DIESEL RETROFIT PROGRAM SHALL PROVIDE FOR THE FOLLOWING:

1. EACH PERSON WHO PARTICIPATES SHALL ALLOCATE TO THE AIR QUALITY EMISSIONS REDUCTION INVENTORY FOR THAT COUNTY ONE-HALF OF THE TOTAL PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF DIESEL EQUIPMENT OPERATING AT THE PERMITTED SITE WHETHER OR NOT THAT EQUIPMENT IS REQUIRED TO HAVE A PERMIT.

2. EACH PERSON WHO PARTICIPATES SHALL RETAIN ONE-HALF OF THE TOTAL PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF EQUIPMENT AT THE SITE FOR PURPOSES OF RECEIVING A MODIFICATION TO AN EXISTING PERMIT OR A PROVISION IN A NEW PERMIT THAT ALLOWS FOR EXTENDED HOURS OF OPERATION FOR THE PERMITTED EQUIPMENT, AS COMPARED TO THE EXISTING PERMIT, OR FOR NEW PERMITS, AS COMPARED TO PERMITS FOR SIMILAR EQUIPMENT.

3. THE DIESEL EMISSIONS REDUCTION EQUIPMENT THAT IS RETROFITTED SHALL BE REGISTERED WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH NOTICE TO THE APPLICABLE COUNTY, SHALL BE TESTED WITH AN ISO 8178 TEST BY A PROPERLY EQUIPPED LABORATORY AND SHALL DEMONSTRATE AT LEAST A THIRTY-FIVE PER CENT REDUCTION IN PARTICULATE POLLUTION WITH NO INCREASE IN THE GENERATION OR EMISSION OF OTHER REGULATED POLLUTANTS. THIS PARAGRAPH APPLIES WITHOUT REGARD TO WHETHER THE PARTICIPANT IS REQUIRED TO OBTAIN AN AIR QUALITY PERMIT FOR THE EQUIPMENT.

4. THE CONTROL OFFICER SHALL PROVIDE A METHOD FOR DETERMINING THE PARTICIPANT'S ELIGIBILITY FOR THE PROGRAM AND FOR THE MODIFICATION OF EXISTING PERMITS OR FOR INCORPORATING THIS PROGRAM'S PROVISIONS INTO THE TERMS OF ANY APPLICABLE NEW PERMITS AS WELL AS ANY REPORTING REQUIREMENTS TO ENSURE CONTINUED USE OF THE EMISSIONS REDUCTION MEASURES.

D. THIS SECTION DOES NOT AUTHORIZE A PERMIT CONDITION OR A MODIFICATION TO A PERMIT CONDITION THAT WOULD VIOLATE A REQUIREMENT OF THE CLEAN AIR ACT, THIS CHAPTER OR A RULE ADOPTED UNDER THIS CHAPTER, INCLUDING THE NATIONAL AMBIENT AIR QUALITY STANDARDS. THIS SECTION DOES NOT AUTHORIZE THE USE OF REDUCTIONS IN MOBILE SOURCE EMISSIONS FOR PURPOSES OF DETERMINING THE APPLICABILITY OF NEW SOURCE REVIEW REQUIREMENTS.

Sec. 18. Section 49-501, Arizona Revised Statutes, is amended to read:

49-501. Unlawful open burning; exceptions; fine; definition

A. Notwithstanding the provisions of any other section of this article: ~~,~~

1. It is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided in this section.

2. FROM MAY 1 THROUGH SEPTEMBER 30 EACH YEAR, IT IS UNLAWFUL FOR ANY PERSON TO IGNITE, CAUSE TO BE IGNITED, PERMIT TO BE IGNITED OR SUFFER, ALLOW OR MAINTAIN ANY OPEN OUTDOOR FIRE IN AREA A AS DEFINED IN SECTION 49-541.

~~C.~~ B. The following fires are excepted from ~~the provisions of~~ this section:

1. Fires used only for cooking of food or for providing warmth for human beings ~~or for recreational purposes~~ or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.

3. Fires set by or permitted by the director of the department of agriculture or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Fires set by or permitted by the federal government or any of its departments, agencies or agents or the state or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.

5. Fires permitted by any rule or regulation issued pursuant to this article, by any conditional permit issued by a hearing board established under this article or by any rule or conditional permit issued pursuant to article 2 of this chapter when the department of environmental quality pursuant to section 49-402 has assumed jurisdiction of the county in which the fire is located.

6. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.

~~D.~~ C. Permission for the setting of any fire given by a public officer in the performance of official duty under subsection ~~C~~ B, paragraph 2, 3 or 4 OF THIS SECTION shall be given in writing and a copy of the written permission shall be transmitted immediately to the director OF ENVIRONMENTAL QUALITY and the control officer of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the control officer or the director OF ENVIRONMENTAL QUALITY, unless doing so would defeat the purpose of the exemption.

~~E.~~ D. Notwithstanding section 49-107, the director may delegate authority for the issuance of open burning permits to a county, city, town or fire district. A county, city, town or fire district that has been delegated authority for the issuance of open burning permits may assign the issuance of these permits to a private fire protection service provider that performs fire protection services within that county, city, town or fire district. Any private fire protection service provider that is authorized to issue open burning permits pursuant to this subsection shall maintain a copy of all

currently effective permits issued including a means of contacting the person authorized by the permit to set the fire in the event that an order to extinguish the open burning is issued. Permits issued pursuant to this subsection shall contain both of the following:

1. Conditions that limit the manner and time of setting the fire and that are consistent with this section and rules adopted pursuant to this section.

2. A provision that all burning be extinguished at the discretion of the director or the director's authorized representative during periods of inadequate atmospheric smoke dispersion, periods of excessive visibility impairment that could adversely affect public safety or periods when smoke is blown into populated areas so as to create a public nuisance.

~~F.~~ E. The director may issue a general permit to allow persons engaged in farming or ranching on forty acres or more in an unincorporated area to burn household waste, as defined in section 49-701, that is generated on site, if no household waste collection and disposal service is available. The general permit shall include the following:

1. Conditions governing the method, manner and times for burning.

2. Limitation on materials which may be burned, including a prohibition on burning of materials which generate noxious fumes.

3. A requirement that any person seeking coverage under the general permit shall register with the director on a form prescribed by the director. Upon receipt of a registration form, the director shall notify the county in which the farm or ranch is located of such registration.

4. A statement that the director, a local air pollution control officer, or any other public officer may order the extinguishment of burning or may prohibit burning during periods of inadequate smoke dispersion or excessive visibility impairment or at other times when public health or safety could be adversely affected.

~~G.~~ F. Nothing in this section is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation in a county with a population in excess of one million two hundred thousand persons. ~~according to the most recent United States decennial census.~~ NOTWITHSTANDING ANY OTHER LAW, SUCH A COUNTY SHALL PROHIBIT BY ORDINANCE THE USE OF WOOD BURNING CHIMINEAS, OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES ON THOSE DAYS FOR WHICH THE COUNTY HAS ISSUED A NO BURN DAY RESTRICTION.

~~H.~~ G. A person who violates any provision of this section may be served a notice of violation and be subject to the enforcement provisions of this article to the same extent as a person violating any rule or regulation adopted pursuant to this article, EXCEPT THAT A VIOLATION THAT LASTS NO MORE THAN TWENTY-FOUR HOURS AND THAT IS THE FIRST VIOLATION COMMITTED BY THAT PERSON IS SUBJECT TO A CIVIL PENALTY OF NO MORE THAN FIVE HUNDRED DOLLARS.

~~I. Any violation of this section shall be punishable by a fine not to exceed twenty-five dollars.~~

~~B.~~ H. FOR THE PURPOSES OF THIS SECTION, "open outdoor fire"~~, as used in this section,~~ means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. FOR THE PURPOSES OF THIS SUBSECTION, "flue"~~, as used in this subsection,~~ means any duct or passage for air, gases or the like, such as a stack or chimney.

Sec. 19. Section 49-542, Arizona Revised Statutes, as amended by Laws 2007, chapter 171, section 5, is amended to read:

49-542. Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rules; exceptions; definition

A. The director shall administer a comprehensive annual or biennial emissions inspection program which shall require the inspection of vehicles in this state pursuant to this article and applicable administrative rules. Such inspection is required in area A and area B, for those vehicles owned by a person who is subject to section 15-1444 or 15-1627 and for those vehicles registered outside of area A or area B but used to commute to the driver's principal place of employment located within area A or area B. Inspection in other counties of the state shall commence upon application by a county board of supervisors for participation in such inspection program, subject to approval by the director. In all counties with a population of three hundred fifty thousand or fewer persons according to the most recent United States decennial census, except for the portion of counties that contain any portion of area A, the director shall as conditions dictate provide for testing to determine the effect of vehicle related pollution on ambient air quality in all communities with a metropolitan area population of twenty thousand persons or more according to the most recent United States decennial census. If such testing detects the violation of state ambient air quality standards by vehicle related pollution, the director shall forward a full report of such violation to the president of the senate, the speaker of the house of representatives and the governor.

B. The state's annual or biennial emissions inspection program shall provide for vehicle inspections at official emissions inspection stations or at fleet emissions inspection stations. Each inspection station in area A shall employ at least one mechanic who is available during the station's hours of operation to provide technical advice and assistance for persons who fail the emissions test. The director may enter into agreements with the department of transportation or with county assessors for the use of official emissions inspection stations for the purpose of conducting vehicle registrations. An official or fleet emissions inspection station permit shall not be sold, assigned, transferred, conveyed or removed to another location except on such terms and conditions as the director may prescribe.

C. Vehicles required to be inspected and registered in this state, except those provided for in section 49-546, shall be inspected, for the purpose of complying with the registration or reregistration requirement

1 pursuant to subsection D of this section, in accordance with the provisions
2 of this article no more than ninety days prior to each reregistration
3 expiration date. A vehicle may be submitted voluntarily for inspection more
4 than ninety days before the reregistration expiration date on payment of the
5 prescribed inspection fee. Such voluntary inspection shall not be considered
6 as compliance with the registration or reregistration requirement pursuant to
7 subsection D of this section.
8 D. A vehicle shall not be registered or reregistered until such
9 vehicle has passed the emissions inspection, ~~and~~ the tampering inspection
10 prescribed in subsection G of this section AND THE LIQUID FUEL LEAK
11 INSPECTION PRESCRIBED IN SUBSECTION Z OF THIS SECTION or has been issued a
12 certificate of waiver. A certificate of waiver shall only be issued one time
13 to a vehicle after January 1, 1997. If any vehicle to be registered or
14 reregistered is being sold by a dealer licensed to sell motor vehicles
15 pursuant to title 28, the cost of any inspection and any repairs necessary to
16 pass the inspection shall be borne by the dealer. A dealer who is licensed
17 to sell motor vehicles pursuant to title 28 and whose place of business is
18 located in area A or area B shall not deliver any vehicle to the retail
19 purchaser until the vehicle passes any inspection required by this article or
20 the vehicle is exempt under subsection J of this section.
21 E. On the registration or reregistration of a vehicle which has
22 complied with the minimum emissions standards pursuant to this section or is
23 otherwise exempt under this section, the registering officer shall issue an
24 air quality compliance sticker to the registered owner which shall be placed
25 on the vehicle as prescribed by rule adopted by the department of
26 transportation or issue a modified year validating tab as prescribed by rule
27 adopted by the department of transportation. Those persons who reside
28 outside of area A or area B but who elect to test their vehicle or are
29 required to test their vehicle pursuant to this section and who comply with
30 the minimum emissions standards pursuant to this section or are otherwise
31 exempt under this section shall remit a compliance form, as prescribed by the
32 department of transportation, and proof of compliance issued at an official
33 emissions inspection station to the department of transportation along with
34 the appropriate fees. The department of transportation shall then issue the
35 person an air quality compliance sticker which shall be placed on the vehicle
36 as prescribed by rule adopted by the department of transportation. The
37 registering officer or the department of transportation shall collect an air
38 quality compliance fee of twenty-five cents. The registering officer or the
39 department of transportation shall deposit, pursuant to sections 35-146 and
40 35-147, the air quality compliance fee in the state highway fund established
41 by section 28-6991. The department of transportation shall deposit, pursuant
42 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
43 inspection fund. The provisions of this subsection do not apply to those
44 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
45 of vehicles between motor vehicle dealers or vehicles leased to a person

residing outside of area A or area B by a leasing company whose place of business is in area A or area B.

F. The director shall adopt minimum emissions standards pursuant to section 49-447 with which the various classes of vehicles shall be required to comply as follows:

1. For the purpose of determining compliance with minimum emissions standards in area B:

(a) A motor vehicle manufactured in or before the 1980 model year, other than a diesel powered vehicle, shall be required to take and pass the curb idle test condition. A diesel powered vehicle is subject to only a loaded test condition. The conditioning mode shall, at the option of the vehicle owner or owner's agent, be administered only after the vehicle has failed the curb idle test condition. Upon completion of such conditioning mode, a vehicle that has failed the curb idle test condition may be retested in the curb idle test condition. If the vehicle passes such retest, it shall be deemed in compliance with minimum emissions standards unless the vehicle fails the tampering inspection pursuant to subsection G of this section OR THE LIQUID LEAK FUEL INSPECTION PURSUANT TO SUBSECTION Z OF THIS SECTION.

(b) A motor vehicle manufactured in or after the 1981 model year, other than a diesel powered vehicle, shall be required to take and pass the curb idle test condition and the loaded test condition or an onboard diagnostic check as may be required pursuant to title II of the clean air act.

2. For purposes of determining compliance with minimum emissions standards and functional tests in area A:

(a) Motor vehicles manufactured in or after model year 1981 with a gross vehicle weight rating of eighty-five hundred pounds or less, other than diesel powered vehicles, shall be required to take and pass a transient loaded emissions test or an onboard diagnostic check as may be required pursuant to title II of the clean air act.

(b) Motor vehicles other than those prescribed by subdivision (a) of this paragraph and other than diesel powered vehicles shall be required to take and pass a steady state loaded test and a curb idle emissions test.

(c) A diesel powered motor vehicle applying for registration or reregistration in area A shall be required to take and pass an annual emissions test conducted at an official emissions inspection station or a fleet emissions inspection station as follows:

(i) A loaded, transient or any other form of test as provided for in rules adopted by the director for vehicles with a gross vehicle weight rating of eight thousand five hundred pounds or less.

(ii) A test that conforms with the society for automotive engineers standard J1667 for vehicles with a gross vehicle weight rating of more than eight thousand five hundred pounds.

(d) Motor vehicles by specific class or model year shall be required to take and pass any of the following tests:

(i) An evaporative system purge test.

(ii) An evaporative system integrity test.

(e) An onboard diagnostic check as may be required pursuant to title II of the clean air act.

3. A motorcycle in area A or any constant four wheel drive vehicle shall be required to take and pass a curb idle emissions test or an onboard diagnostic check as required pursuant to title II of the clean air act.

4. Fleet operators in area B must comply with this section, except that used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit under section 49-546 shall be tested as follows:

(a) A motor vehicle manufactured in or before the 1980 model year shall take and pass only the curb idle test condition, except that a diesel powered vehicle is subject to only a loaded test condition.

(b) A motor vehicle manufactured in or after the 1981 model year shall take and pass the curb idle test condition and a twenty-five hundred revolutions per minute unloaded test condition.

5. Vehicles owned or operated by the United States, this state or a political subdivision of this state shall comply with this subsection without regard to whether those vehicles are required to be registered in this state, except that alternative fuel vehicles of a school district that is located in area A shall be required to take and pass the curb idle test condition and the loaded test condition.

6. Fleet operators in area A shall comply with this section, except that used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to section 49-546 for purposes of determining compliance with minimum emission standards in area A shall be tested as follows:

(a) A motor vehicle manufactured in or before the 1980 model year shall take and pass the curb idle test condition, except that a diesel powered vehicle is subject to only a loaded test condition.

(b) A motor vehicle manufactured in or after the 1981 model year shall take and pass the curb idle test condition and a two thousand five hundred revolutions per minute unloaded test condition.

7. Beginning on January 1, 2004 and except for any registered owner or lessee of a fleet of less than twenty-five vehicles, a diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds and for which gross weight fees are paid pursuant to title 28, chapter 15, article 2 in area A shall not be allowed to operate in area A unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards contained in 40 Code of Federal Regulations section 86.088-11. This paragraph does not apply to vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

8. Beginning on January 1, 2006 for any registered owner or lessee of a fleet of less than twenty-five vehicles, a diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds and for

which gross weight fees are paid pursuant to title 28, chapter 15, article 2 in area A shall not be allowed to operate in area A unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards contained in 40 Code of Federal Regulations section 86.088-11. This paragraph does not apply to vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

G. In addition to an emissions inspection, a vehicle is subject to a tampering inspection on at least a biennial basis if the vehicle was manufactured after the 1974 model year and the vehicle is not subject to a transient loaded emissions test or an onboard diagnostic check as required pursuant to title II of the clean air act. The director shall adopt vehicle configuration guidelines for the tampering inspection which shall be based on the original configuration of the vehicle when manufactured. The tampering inspection shall consist of the following:

1. A visual check to determine the presence of properly installed catalytic converters.

2. An examination to determine the presence of an operational air pump.

3. In area A, if the vehicle was manufactured after the 1974 model year and is not subject to a transient loaded emissions test or an onboard diagnostic check as required pursuant to title II of the clean air act, a visual inspection for the presence or malfunction of the positive crankcase ventilation system and the evaporative control system.

H. Vehicles required to be inspected shall undergo a functional test of the gas cap to determine if the cap holds pressure within limits prescribed by the director, except for any vehicle that is subject to an evaporative system integrity test.

I. Motor vehicles failing the initial or subsequent test are not subject to a penalty fee for late registration renewal if the original testing was accomplished before the expiration date and if the registration renewal is received by the motor vehicle division or the county assessor within thirty days of the original test.

J. The director may adopt rules for purposes of implementation, administration, regulation and enforcement of the provisions of this article including:

1. The submission of records relating to the emissions inspection of vehicles inspected by another jurisdiction in accordance with another inspection law and the acceptance of such inspection for compliance with the provisions of this article.

2. The exemption from inspection of:

(a) A motor vehicle manufactured in or before the 1966 model year.

(b) New vehicles originally registered at the time of initial retail sale and titling in this state pursuant to section 28-2153 or 28-2154.

(c) Vehicles registered pursuant to title 28, chapter 7, article 7 or 8.

(d) New vehicles before the sixth registration year after initial purchase or lease.

(e) Vehicles which will not be available within the state during the ninety days prior to registration.

(f) Golf carts.

(g) Electrically-powered vehicles.

(h) Vehicles with an engine displacement of less than ninety cubic centimeters.

(i) The sale of vehicles between motor vehicle dealers.

(j) Vehicles leased to a person residing outside of area A or area B by a leasing company whose place of business is in area A or area B.

(k) Collectible vehicles.

(l) Motorcycles in area B.

3. Compiling and maintaining records of emissions test results after servicing.

4. A procedure which shall allow the vehicle service and repair industry to compare the calibration accuracy of its emissions testing equipment with the department's calibration standards.

5. Training requirements for automotive repair personnel using emissions measuring equipment whose calibration accuracy has been compared with the department's calibration standards.

6. Any other rule which may be required to accomplish the provisions of this article.

K. The director shall, after consultation with automobile manufacturers and the vehicle service and repair industry, establish by rule a definition of "low emissions tune-up" for motor vehicles subject to inspection under this article. The definition shall specify repair procedures which, when implemented, will reduce vehicle emissions.

L. The director shall adopt rules which specify that the estimated retail cost of all recommended maintenance and repairs shall not exceed the amounts prescribed in this subsection, except that if a vehicle fails a tampering inspection there is no limit on the cost of recommended maintenance and repairs. The director shall issue a certificate of waiver for a vehicle which has failed reinspection, if the director has determined that all recommended maintenance and repairs have been performed. If, after reinspection, the director has determined that the vehicle is in compliance with minimum emissions standards or that all recommended maintenance and repairs for compliance with minimum emissions standards have been performed, but that tampering discovered at a tampering inspection has not been repaired, the director may issue a certificate of waiver if the owner of the vehicle provides to the director a written statement from an automobile parts or repair business that an emissions control device which is necessary to repair the tampering is not available and cannot be obtained from any usual source of supply before the vehicle's current registration expires. Rules adopted by the director for the purpose of establishing the estimated retail

1 cost of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:
3 1. In area A the cost shall not exceed:
4 (a) Five hundred dollars for a diesel powered vehicle with a gross
5 weight in excess of twenty-six thousand pounds.
6 (b) Five hundred dollars for a diesel powered vehicle with tandem
7 axles.
8 (c) For a vehicle other than a diesel powered vehicle with a gross
9 weight in excess of twenty-six thousand pounds and other than a diesel
10 powered vehicle with tandem axles:
11 (i) Two hundred dollars for such a vehicle manufactured in or before
12 the 1974 model year.
13 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
14 through 1979 model years.
15 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
16 after the 1980 model year.
17 2. In area B the cost shall not exceed:
18 (a) Three hundred dollars for a diesel powered vehicle with a gross
19 weight in excess of twenty-six thousand pounds.
20 (b) Three hundred dollars for a diesel powered vehicle with tandem
21 axles.
22 3. For a vehicle other than a diesel powered vehicle with a gross
23 weight in excess of twenty-six thousand pounds and other than a diesel
24 powered vehicle with tandem axles:
25 (a) Fifty dollars for such a vehicle manufactured in or before the
26 1974 model year.
27 (b) Two hundred dollars for such a vehicle manufactured in the 1975
28 through 1979 model years.
29 (c) Three hundred dollars for such a vehicle manufactured in or after
30 the 1980 model year.
31 M. Each person whose vehicle has failed an emissions inspection shall
32 be provided a list of those general recommended tune-up procedures for
33 vehicles which are designed to reduce vehicle emissions levels. The list
34 shall include the following notice: "This test is the result of federal law.
35 You may wish to contact your representative in the United States Congress."
36 N. Notwithstanding any other provisions of this article, the director
37 may adopt rules allowing exemptions from the requirement that all vehicles
38 must meet the minimum standards for registration or reregistration.
39 O. The director of environmental quality shall establish, in
40 cooperation with the assistant director for the motor vehicle division of the
41 department of transportation:
42 1. An adequate method for identifying bona fide residents residing
43 outside of area A or area B to ensure that such residents are exempt from
44 compliance with the inspection program established by this article and rules
45 adopted under this article.

2. A written notice that shall accompany the vehicle registration application forms that are sent to vehicle owners pursuant to section 28-2151 and that shall accompany or be included as part of the vehicle emissions test results that are provided to vehicle owners at the time of the vehicle emissions test. This written notice shall describe at least the following:

(a) The restriction of the waiver program to one time per vehicle and a brief description of the implications of this limit.

(b) The availability and a brief description of the vehicle repair and retrofit program established pursuant to section 49-474.03.

(c) Notice that many vehicles carry extended warranties for vehicle emissions systems, and those warranties are described in the vehicle's owner's manual or other literature.

(d) A description of the catalytic converter replacement program established pursuant to section 49-474.03.

P. Notwithstanding any other law, if area A or area B is reclassified as an attainment area, emissions testing conducted pursuant to this article shall continue for vehicles registered inside that reclassified area, vehicles owned by a person who is subject to section 15-1444 or 15-1627 and vehicles registered outside of that reclassified area but used to commute to the driver's principal place of employment located within that reclassified area.

Q. A fleet operator who is issued a permit pursuant to section 49-546 may electronically transmit emissions inspection data to the department of transportation pursuant to rules adopted by the director of the department of transportation in consultation with the director of environmental quality.

R. The director shall prohibit a certificate of waiver pursuant to subsection L of this section for any vehicle which has failed inspection in area A due to the catalytic converter system.

S. The director shall establish provisions for rapid testing of certain vehicles and to allow fleet operators, singly or in combination, to contract directly for vehicle emissions testing.

T. Each vehicle emissions control station in area A shall have a sign posted to be visible to persons who are having their vehicles tested. This sign shall state that enhanced testing procedures are a direct result of federal law.

U. The initial adoption of rules pursuant to this section shall be deemed emergency rules pursuant to section 41-1026.

V. The director of environmental quality and the director of the department of transportation shall implement a system to exchange information relating to the waiver program, including information relating to vehicle emissions test results and vehicle registration information.

W. Any person who sells a vehicle that has been issued a certificate of waiver pursuant to this section after January 1, 1997 and who knows that a certificate of waiver has been issued after January 1, 1997 for that vehicle

shall disclose to the buyer before completion of the sale that a certificate of waiver has been issued for that vehicle.

X. Vehicles that fail the emissions test at emission levels higher than twice the standard established for that vehicle class by the department pursuant to section 49-447 are not eligible for a certificate of waiver pursuant to this section unless the vehicle is repaired sufficiently to achieve an emissions level below twice the standard for that class of vehicle.

Y. If an insurer notifies the department of transportation of the cancellation or nonrenewal of collectible vehicle or classic automobile insurance coverage for a collectible vehicle, the department of transportation shall cancel the registration of the vehicle and the vehicle's exemption from emissions testing pursuant to this section unless evidence of coverage is presented to the department of transportation within sixty days.

Z. IN ADDITION TO AN EMISSIONS INSPECTION, A VEHICLE IS SUBJECT TO A LIQUID FUEL LEAK INSPECTION ON AT LEAST A BIENNIAL BASIS IF THE VEHICLE WAS MANUFACTURED AFTER THE 1974 MODEL YEAR AND IS NOT A DIESEL VEHICLE. THE DIRECTOR SHALL ADOPT RULES PRESCRIBING PROCEDURES AND STANDARDS FOR THE LIQUID FUEL LEAK INSPECTION.

~~Z.~~ AA. For the purposes of this section, "collectible vehicle" means a vehicle that complies with both of the following:

1. Either:

(a) Bears a model year date of original manufacture that is at least fifteen years old.

(b) Is of unique or rare design, of limited production and an object of curiosity.

2. Meets both of the following criteria:

(a) Is maintained primarily for use in car club activities, exhibitions, parades or other functions of public interest or for a private collection and is used only infrequently for other purposes.

(b) Has a collectible vehicle or classic automobile insurance coverage that restricts the collectible vehicle mileage or use, or both, and requires the owner to have another vehicle for personal use.

Sec. 20. Interim rule making; publication

Notwithstanding title 41, chapter 6, article 3, Arizona Revised Statutes, the best management practices committee for regulated agricultural activities established under section 49-457, Arizona Revised Statutes, shall adopt the rules required by section 49-457, Arizona Revised Statutes, as amended by this act, as interim rules with an immediate effective date in compliance with section 41-1032, Arizona Revised Statutes, in order to comply with the December 31, 2007 deadline imposed by the United States environmental protection agency for failure to attain the national ambient air quality standard for PM-10 on or before December 31, 2006. The rules shall have an immediate effective date. Interim rules are exempt from title 41, chapter 6, article 3, Arizona Revised Statutes, except that the committee

shall submit the rules for publication and the secretary of state shall publish the rules in the Arizona administrative register.

Sec. 21. Construction contracts with public entities; definition

A. If this state or an agency or political subdivision of this state is party to a construction contract executed before enactment of this act, the state, agency or political subdivision may agree to a contract amendment to provide for supplemental payments to reimburse the contractor for costs incurred solely and directly as a result of new dust control requirements imposed under this act if the following conditions are satisfied:

1. The measures taken to comply with the new dust control requirements were necessary and appropriate.

2. The measures taken to comply with the new dust control requirements were not necessary or appropriate to comply with dust control requirements or any other legal or contractual requirements in existence before enactment of this act.

3. The contractor provides the state, agency or political subdivision with complete documentation for the costs for which supplemental payment is requested.

4. The contractor did not expressly or impliedly assume the risk that additional costs would be incurred as a result of changes in dust control requirements.

B. Any invitation to bid or request for proposals issued by this state or an agency or political subdivision of this state for a construction project in area A as defined in section 49-541, Arizona Revised Statutes, shall require that the offer address compliance with all dust control requirements applicable to the project.

C. For the purposes of this section, "political subdivision" means an entity supported in whole or in part by tax revenues.

Sec. 22. Delayed repeal

Section 21 of this act, relating to public contracts and dust control requirements, is repealed from and after September 30, 2009.

Sec. 23. City and county particulate enforcement; report; joint legislative budget committee

A county and any city or town that is located in an area designated by the environmental protection agency as a serious PM-10 nonattainment area or a maintenance area that was designated as a serious PM-10 nonattainment area shall submit reports on particulate enforcement to the joint legislative budget committee on June 1 and December 1 in 2008 and 2009. The reports shall include the following information for each county, city and town:

1. The number of notices of violation issued, fines or penalties assessed or other sanctions imposed for particulate violations.

2. The number of inspectors or other enforcement personnel employed for purposes of enforcing statutes, rules or ordinances related to particulates.

3. The number of miles of streets, roads, alleys, shoulders and vacant areas paved or otherwise stabilized.

4. Any other information relevant to enforcement of particulate measures prescribed by this act.

Sec. 24. State air quality study committee; members; duties; report

A. The state air quality study committee is established consisting of the following members:

1. Five members of the senate who are appointed by the president of the senate, not more than three of whom are members of the same political party. The president of the senate shall designate one of these members to serve as cochairperson of the committee.

2. Five members of the house of representatives who are appointed by the speaker of the house of representatives, not more than three of whom are members of the same political party. The speaker of the house of representatives shall designate one of these members to serve as cochairperson of the committee.

B. The purpose of the committee is to examine and make recommendations for current and future compliance with primary national ambient air quality standards in this state.

C. The committee shall:

1. Review the implementation and enforcement of the particulate matter and ozone control measures for areas A and C prescribed in this act and adopted by the Maricopa association of governments and Maricopa county for area A. On request of the committee, the Maricopa association of governments shall provide a summary of the five per cent PM-10 reduction plan submitted to the United States environmental protection agency on or before December 31, 2007.

2. Examine the need to adopt additional particulate matter and ozone control measures in areas A and C to ensure compliance with national ambient air quality standards in areas A and C and any other federal requirements.

3. Review the different types of motor fuel standards required by law in this state.

4. Examine the need to adjust the different types of motor fuel standards in this state based on the following criteria:

(a) Current and future compliance with primary national ambient air quality standards to protect public health.

(b) Effect on supply of motor fuel into this state.

(c) Effect on the price and costs of production and delivery of motor fuel to consumers.

(d) Cost-effectiveness of motor fuel standard changes in comparison with other types of control measures.

(e) Federal regulations on locally-specific motor fuel types.

5. Review the vehicle emission inspection requirements in this state and examine the applicability of these requirements.

6. Review and examine other air quality control measures, as the committee deems necessary, to ensure current and future compliance with primary national ambient air quality standards to protect public health, including vapor recovery system technologies and requirements.

7. Make any recommendations on review and examination of the subjects prescribed in paragraphs 1 through 6 of this subsection.

8. Submit a report of its findings and recommendations to the governor, the president of the senate and the speaker of the house of representatives on or before December 31, 2009 and submit copies of these reports to the secretary of state and the director of the Arizona state library, archives and public records.

Sec. 25. Department of environmental quality; motor fuels emissions studies; recommendations

A. The department of environmental quality shall evaluate the coordinating research council study E-74b. The department of environmental quality shall receive comments evaluating the coordinating research council study E-74b from the department of weights and measures, any trade organizations representing automobile manufacturers, ethanol producers and marketers, petroleum refiners, suppliers, distributors and marketers, and other interested parties.

B. The department of environmental quality and each of the entities submitting comments pursuant to subsection A of this section shall consider providing additional research and cooperating to design and conduct any additional studies.

C. If funding is made available, and if the department of environmental quality in consultation with each of the entities submitting comments pursuant to subsection A of this section determines additional research is necessary, the department of environmental quality, in consultation with the department of weights and measures, shall develop and implement research that would complement and incorporate the coordinating research council study E-74b regarding Reid vapor pressure and oxygen content effects on emissions of 1994 model year and newer light duty vehicles. The research:

1. May include federal test procedure testing of a sufficient number and variety of federal tier 1 and tier 2 standard vehicles to be representative of the current in-use light duty vehicle fleet.

2. May include an emissions and air quality assessment of the impacts of changing the area A wintertime Reid vapor pressure standard to comply with American society for testing and materials Reid vapor pressure standards applicable to area A, including the wintertime Reid vapor pressure waiver for ethanol blends allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

3. May include an assessment of the emissions and air quality impacts of requiring ten per cent ethanol in tandem with any change in Reid vapor pressure, including an assessment of Reid vapor pressure being allowed to

rise with no ethanol content and an assessment of fuel containing greater than twenty per cent ethanol content.

4. Notwithstanding the receipt of the coordinating research council study E-74b, shall include:

(a) An assessment of costs of production and delivery of gasoline and ethanol and an assessment of gasoline and ethanol supplies and logistics.

(b) A statewide assessment of increasing flexibility under state standards for blending ethanol to include impacts on the environment, vehicle performance and costs to consumers.

D. On or before February 15, 2008, the department of environmental quality shall submit its evaluation of the coordinating research council study E-74b and any comments received pursuant to subsection A of this section to the governor, the president of the senate and the speaker of the house of representatives for referral to the appropriate standing committees of the senate and the house of representatives. The department shall submit copies of the evaluation and comments to the secretary of state and the director of the Arizona state library, archives and public records.

E. On or before September 1, 2008, the department of environmental quality shall submit a report of all of the findings and recommendations made pursuant to this section to the state air quality study committee established by this act and shall submit copies of these reports to the secretary of state and the director of the Arizona state library, archives and public records.

Sec. 26. Delayed repeal

Section 24 of this act, relating to the state air quality study committee, and section 25 of this act, relating to motor fuels emissions studies, are repealed from and after December 31, 2009.

Sec. 27. Conditional enactment

A. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007, chapter 145, section 2 and this act, is effective as prescribed in Laws 2005, chapter 104, section 7, subsection A, as amended by Laws 2007, chapter 145, section 4.

B. Section 41-2124.01, Arizona Revised Statutes, as amended by section 13 of this act, is not effective unless, on or before November 1, 2009, the conditions specified in Laws 2005, chapter 104, section 7, subsection B, as amended by Laws 2007, chapter 145, section 4, are satisfied.

APPROVED BY THE GOVERNOR JULY 2, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 2, 2007.