JANET NAPOLITANO
GOVERNOR

SETH MONES
ACTING DIRECTOR

ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

4425 West Olive Avenue, Suite 134 Glendale, AZ 85302
602-255-5211 FAX 602-255-1950 800-277-6675 TTY 623-463-9930
www.azdwm.gov

March 31, 2008

To all Stakeholders:

The Arizona Department of Weights and Measures is issuing this enforcement discretion letter today in an effort to move forward with changes to rules on which we have reached consensus relating to the blending of Ethanol into conventional gasoline. This enforcement discretion would be in effect until such time as the rule becomes effective or is dropped.

The Department has been working with its stakeholders for about ten months on a new rule package relating to fuels and biofuels. Draft revisions to section R20-2-708 reflecting the consensus reached as a result of this work are set forth below. Effective upon the date of this letter, and subject to meeting all the conditions described in the attached document, the Department will not take enforcement relating to Reid Vapor Pressure (RVP), TV/L, and T50 when a conventional gasoline is blended with ethanol year round outside the CBG covered area and within the CBG covered area in April and October.

Again this enforcement discretion does not apply to gasoline sold or offered for sale within the CBG covered area, except during April and October.

If you have any questions please contact Duane Yantorno at (602) 771-4933.

Sincerely,

Seth Mones
Acting Director
Arizona Department Of Weights and Measures

Cc: DEhrhart
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March 31, 2008
Enforcement Discretion Letter
Conditions for Ethanol Blending

R20-2-708. Oxygenated Fuel Blends

A. Special provisions for gasoline ethanol blends:

1. Any gasoline ethanol blend that meets the requirements of subsections (A)(1)(a) through (c) of this section shall not exceed the ASTM D 4814 vapor pressure by more than one pound per square inch (1.0 psi).

   a. In order to qualify for the special regulatory treatment specified in this subsection, the gasoline ethanol blend must contain fuel ethanol. The concentration of the fuel ethanol, excluding the required denaturing agent, must be at least 9% and no more than 10% (by volume) of the gasoline ethanol blend during the period May 1 through September 15. For the period September 16 through April 30, the concentration of fuel ethanol, excluding the required denaturing agent, must be at least 1.5% (by weight) and no more than 10% (by volume) of the gasoline ethanol blend.

   b. The ethanol content of the gasoline ethanol blend shall be determined using the appropriate test method listed in ASTM D 4814.

   c. The maximum ethanol content shall not exceed any applicable waiver condition under section 211(f) of the Clean Air Act.

2. Gasoline-Oxygenate Blends shall satisfy the version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel" specified in R20-2-702. Gasoline blended with ethanol at concentrations up to ten percent by volume shall be blended under any of the following three options:

   a. The base gasoline shall meet ASTM D 4814 and the ethanol shall meet ASTM D 4806. The finished blend shall meet ASTM D 4814 with the following permissible exceptions:

      i. The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150 °F)

      ii. The minimum test temperature at which the vapor/liquid ratio is equal to 20 shall be waived.

   b. The blend shall meet the requirements of ASTM 4814; or

c. The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation., The finished blend shall meet ASTM D 4814 with the following permissible exceptions:

i. The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150 °F)

ii. The minimum test temperature at which the vapor/liquid ratio is equal to 20 shall be waived.

3. The special provisions in subsections (1) and (2) are effective for:

a. Gasoline ethanol blends sold outside the CBG covered area year round; and

b. Within the CBG covered for April and October

B. Each product transfer document accompanying the gasoline shipment to its final destination shall contain a legible and conspicuous statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol.

C. Retail motor fuel dispensers dispensing oxygenated fuel must be labeled as specified in R20-2-709.