

JANICE K. BREWER
GOVERNOR



GENE PALMA
INTERIM DIRECTOR

ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

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July 21, 2009

To: All Weights and Measures Stakeholders

Re: Stage II Enforcement Discretion for E85 Dispensers:

The Arizona Department of Environmental Quality, ("ADEQ"), and the Arizona Department of Weights and Measures, ("ADWM") will be asking the United States Environmental Protection Agency ("EPA") to take action on a revision to the State Implementation Plan, ("SIP") relating to Stage II Vapor Recovery in Area A.

This revision also includes a change in the definition of gasoline that would exclude E85, (a blend of 85% ethanol and 15% gasoline). If EPA acts upon this request, retailers would no longer be required to install Stage II vapor recovery controls on E85 dispensers.

This enforcement discretion letter will take effect as of the date of this letter. It will remain in effect until EPA takes action on the SIP revision for E85 dispensing facilities in area A, (the vapor control area).

This enforcement discretion is limited to Stage II requirements affecting E85 dispensers in area A. Additionally, please be advised that any discretion exercised is not necessarily representative of any action the EPA may initiate. If you have questions related to this enforcement discretion please contact Duane Yantorno at (602) 771-4933.

Sincerely

A handwritten signature in black ink, appearing to read "Gene Palma".

Gene Palma
Interim Director
Arizona Department of Weights and Measures

Cc: D. Ehrhart
D. Yantorno