

**ADOPTED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R176-01

Effective May 31, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~{omitted material}~~ is material to be omitted.

AUTHORITY: §§1-4, NRS 590.070.

Section 1. NAC 590.045 is hereby amended to read as follows:

590.045 1. ~~{Volume 05.0.}~~ *Volumes 05.01 and 05.02*, “Petroleum Products and Lubricants,” of the ~~{1998 Annual Book of American Society for Testing and Materials Standards, is}~~ *2002 Annual Book of ASTM Standards*, are available for inspection at the office of the State Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104.

2. The ~~{volume}~~ *volumes* may be purchased at a cost of ~~{\$150 from the American Society for Testing and Materials,}~~ *\$361 from ASTM International*, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.

Sec. 2. NAC 590.050 is hereby amended to read as follows:

590.050 1. Except as otherwise provided in subsection 2, the state board of agriculture hereby adopts by reference:

(a) For diesel fuel intended for use in an internal combustion engine, if the internal combustion engine is not installed in a motor vehicle that is operated primarily on a highway, the specifications for diesel fuel; and

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(b) For diesel fuel intended for use in a motor vehicle that is operated primarily on a highway, the low sulfur specifications for diesel fuel, contained in volume 05.01, “ Petroleum Products and Lubricants, ” of the ~~[1998 Annual Book of American Society for Testing and Materials (ASTM) Standards,]~~ 2002 Annual Book of ASTM Standards, ASTM designation ~~[D 975-97.]~~ D 975-01a.

2. The flash point for No. 2 diesel fuel oil must not be lower than 37.8 degrees Celsius (100 degrees Fahrenheit) when the No. 2 diesel fuel oil has been treated to prevent gelling and the No. 2 diesel fuel oil has been labeled “winterized.”

3. The grade assigned by ~~[the American Society for Testing and Materials]~~ ASTM International for diesel fuel oil:

(a) Dispensed from a pump or other device for dispensing the diesel fuel oil must be posted on that pump or device.

(b) Transported or stored in a vehicle which is used for the delivery of diesel fuel oil must be posted on the label of that vehicle as required pursuant to NRS 590.040.

4. Any other test method may be used if the state sealer of weights and measures determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 3. NAC 590.061 is hereby amended to read as follows:

590.061 1. The state board of agriculture hereby adopts by reference the antiknock index for testing the octane rating of gasoline that is defined in volume ~~[05.03,]~~ 05.02, “ Petroleum Products and Lubricants, ” of the ~~[1998 Annual Book of American Society for Testing and Materials (ASTM) Standards,]~~ 2002 Annual Book of ASTM Standards, ASTM designation ~~[D~~

~~4814-97b. Volume 05.03 is available for inspection at the offices of the State Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104. The volume may be purchased at a cost of \$165 from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.]~~ ***D***
4814-01a.

2. Gasoline that is brought into this state for delivery to a person in this state must have an octane rating number which is determined by the antiknock index method described in subsection 1.

3. A person who transfers fuel to a person in this state, other than the consumer of the fuel, shall provide a proof of transfer to the person receiving the fuel. The proof of transfer must be:

- (a) A delivery ticket;
- (b) An invoice;
- (c) A bill of lading;
- (d) A bill of sale;
- (e) A terminal ticket; or
- (f) Any other proof of transfer that is approved by the state board of agriculture.

4. The proof of transfer must contain:

- (a) The name of the person making the transfer;
- (b) The name of the person to whom the fuel is transferred;
- (c) The date of the transfer; and
- (d) If the fuel is gasoline, the octane rating number of the gasoline.

5. The person receiving the fuel must keep a copy of the proof of transfer at the location at which the fuel was received for not less than 30 days after the date of the delivery of the fuel.

After that period, the proof of transfer must be retained at any location for not less than 1 year after the date of the delivery of the fuel and be made available to the state department of agriculture upon request.

6. Any other test method may be used if the state sealer of weights and measures determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 4. NAC 590.065 is hereby amended to read as follows:

590.065 1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for gasoline contained in volume ~~[05.03,]~~ **05.02**, “Petroleum Products and Lubricants,” of the ~~[1998 Annual Book of American Society for Testing and Materials (ASTM) Standards,]~~ 2002 Annual Book of ASTM Standards, ASTM designation ~~[D 4814-97b.~~

~~—2.— Volume 05.03 is available for inspection at the offices of the State Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104. The volume may be purchased at a cost of \$165 from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.~~

~~—3.] D 4814-01a.~~

2. Except as otherwise provided in subsection ~~[4,]~~ **3**, gasoline containing 9.0 percent ethanol by volume or more is permitted an additional 1.0 pound per square inch on the vapor pressure specification.

~~[4.]~~ 3. Gasoline sold in Clark County between October 1 and the following March 31 must not exceed a vapor pressure of 9.0 pounds per square inch and must meet the specifications relating to distillation set forth for volatility class A, B or C in ASTM designation ~~[D-4814-97b.~~
~~—5.]~~ *D 4814-01a.*

4. A person shall not sell, offer for sale, supply or offer to supply in this state any gasoline, intended for use in a vehicle which is primarily driven on a highway if:

- (a) It contains more than 0.05 gram of lead per gallon;
- (b) It contains more than 0.005 gram of phosphorus per gallon;
- (c) Manganese or any compound of manganese has been added to the gasoline; or
- (d) It contains more than 10 percent ethanol by volume.

~~[6.]~~ 5. A person shall not sell, offer for sale, supply or offer to supply in:

(a) The area of this state which is east of the 118th degree of west longitude and north of the 38th degree of north latitude, any gasoline which contains more than 800 parts per million of sulfur.

(b) Any other area of this state which is not described in paragraph (a), any gasoline which contains more than 300 parts per million of sulfur.

6. Any other test method may be used if the state sealer of weights and measures determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R176-01**

The State Board of Agriculture adopted regulations assigned LCB File No. R176-01 which pertain to chapter 590 of the Nevada Administrative Code on March 26, 2002.

Notice date: 2/12/2002
Hearing date: 3/26/2002

Date of adoption by agency: 3/26/2002
Filing date: 5/31/2002

INFORMATIONAL STATEMENT

1. Public workshops and hearings were held on February 27, 2002, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue and on February 26, 2002 in Las Vegas, Nevada at the Clark County Air Quality Department office located at 500 S. Grand Central Avenue.

Notice of workshop and hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada County Libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue Reno, Nevada 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, all Nevada County Libraries or at the department website. All 183 persons who have requested to be notified of amendments were notified by mail.

2. Workshop held February 27, 2002-Reno
6 people attended
There were no oral comments.
Written comments were received by Lew Gibbs of Chevron and are attached. The comments focused on using newer versions of ASTM methods, and those in attendance agreed that it should be done assuming they did not affect the specifications.

Workshop held February 26, 2002-Las Vegas
7 people attended
There were no oral comments.
Written comments were received by Lew Gibbs of Chevron and are attached. The comments focused on using newer versions of ASTM methods, and those in attendance agreed that it should be done assuming they did not affect the specifications.

The Public Hearing and Board of Agriculture Approval took place on March 26, 2002. The Board approved the changes to the regulations with the appropriate amendments to update to the 2002 Annual Book of ASTM International standards.

3. Comments were solicited from business and the public by posting in public locations and through direct mail notices as outlined in #1 above. The oral and written comments

submitted were submitted as above. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180 or accessing the department website at <http://agri.state.nv.us>.

The Public Hearing and Board of Agriculture Approval took place on March 26, 2002. The Board approved the changes to the regulations with the appropriate amendments to update to the 2002 Annual Book of ASTM International standards.

4. The economic effects of the adopted amendments on the business which it is to regulate include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
None.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
5. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
None.
 - c. Immediate and long-term effects:
The adverse and beneficial effects are the same for the immediate and long-term.
6. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
7. There are no other state or federal agency regulations for which the adopted amendments overlap or duplicate.
8. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
9. This regulation does not establish or increase any fees.

The Nevada Department of Agriculture held workshops to discuss the amendment of regulations pertaining to Chapter 590 of the Nevada Administrative Code. Chapter 590 deals with fuel quality standards. Workshops were held on February 26, 2002 in Las Vegas, Nevada and February 27, 2002 in Reno, Nevada

Attendees at the meeting at 500 S. Grand Central Avenue, Las Vegas, Nevada

Name	Organization
Ronald Levine	Nevada Motor Transport Association
Peter Krueger	Nevada Petroleum Marketers & Convenience Store Association
Dennis Ransel	Clark County Department of Air Quality Management
John Conley	Nevada Department of Agriculture
John Saxon	Haycock Petroleum Company
Dennis Moothart	Interstate Oil Company
James Weaver	Nevada Department of Motor Vehicles - Motor Carrier Division

Attendees at the meeting at 350 Capitol Hill Avenue, Reno, Nevada

Name	Organization
Yann Ling	Washoe County Health Department - Air Quality Management
Steve Grabski	Nevada Department of Agriculture
Lisa Foster	AAA
Vern McFarlin	City of Sparks
Dan Powell	Nevada Department of Transportation
Peter Konesky	Nevada State Energy Office

Notices of the workshops were posted at the Nevada Department of Agriculture offices in Reno, Sparks, Las Vegas, Winnemucca and Elko, at the Nevada State Library in Carson City, and all county libraries. It may also be accessed at the Nevada Department of Agriculture website at <http://agri.state.nv.us>. In addition, notices were mailed to 183 individuals who had expressed an interest in receiving notices regarding petroleum issues.

Notes and comments:

The audience introduced themselves.

The process of workshop, hearing and Board of Agriculture approval was explained to the audience.

NAC 590 REFERENCE UPDATES

There were no oral comments received.

The written comments submitted by Lew Gibbs of Chevron were explained to the audience and it was agreed to pursue the update to the 2002 annual book assuming there were no specific changes.