

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R176-01

January 9, 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]~~ *2001 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,]~~ *2001 Annual Book of ASTM Standards*, ASTM designation ~~[D 975-97.]~~ *D 975-98b*.

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,]~~ *2001 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**
4814-00.

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,]~~ *2001 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 4814-00.*~~

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 4814-00.*

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.