

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

LCB File No. R111-08

August 7, 2009

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

AUTHORITY: §1, NRS 561.105 and 590.070.

A REGULATION relating to fuel; adopting by reference a certain standard for gasoline published by ASTM International; providing exceptions; and providing other matters properly relating thereto.

Section 1. 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]~~ *ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,”* contained in Volume 05.02, “Petroleum Products and Lubricants,” of the ~~[2002]~~ *2009 Annual Book of ASTM Standards*, ~~[ASTM designation D 4814-01a.]~~ *as that standard existed on July 1, 2009, and any subsequent revision of that standard issued by ASTM International that is approved by the Board pursuant to this section for use in this State.* The ~~[publication]~~ *standard* may be purchased from ~~[the American Society for Testing and Materials.]~~ *ASTM International*, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, *or at the Internet address <http://www.astm.org>,* for the price of ~~[\$43.]~~ *\$51.*

2. *The Board will review each revision of ASTM D4814 that is published after July 1, 2009, to ensure its suitability for use in this State. If the Board fails to approve or disapprove such a revision within 120 days after its date of publication, the revision shall be deemed*

approved by the Board for use in this State. The Board will file a copy of each revision which it approves or which is deemed approved pursuant to this section with the Secretary of State and the State Library and Archives Administrator. The most recent revision that is approved by the Board will be available for inspection at the State Department of Agriculture, 405 South 21st Street, Sparks, Nevada 89431.

3. Notwithstanding the provisions of Table 4 (“Schedule of Seasonal and Geographical Volatility Classes”) of ASTM ~~[designation D-4814-01a]~~ **D4814** that apply to this State, the schedule that is designated in Table 4 for the area of this State that lies north of the 38th degree of north latitude applies to the entire area of this State unless the United States Environmental Protection Agency requires a county to comply with a different requirement relating to vapor pressure.

~~[3.]~~ **4.** Except as otherwise provided in subsection ~~[4.]~~ **7**, gasoline :

(a) Sold between June 1 and September 15 of each calendar year containing :

(1) Not less than 9.0 percent ethanol by volume ~~for more is permitted an additional 1.0 pound per square inch on the vapor pressure specification.~~

~~—4.]~~ *and not more than 10.0 percent ethanol by volume must not exceed the limits for vapor pressure set forth in ASTM D4814 by more than 1.0 pound per square inch.*

(2) Less than 9.0 percent ethanol by volume must not exceed the limits specified in ASTM D4814.

(b) Sold during any other period in a calendar year containing not more than 10.0 percent ethanol by volume must not exceed the limits specified in ASTM D4814 by more than 1.0 pound per square inch.

5. *Except as otherwise provided in subsection 7, the vapor-liquid ratio requirements set forth in ASTM D4814 do not apply to ethanol blends containing not more than 10.0 percent ethanol by volume.*

6. *Except as otherwise provided in subsection 7, the required temperatures for distillation set forth in ASTM D4814 do not apply to ethanol blends containing not more than 10.0 percent ethanol by volume. The temperature of such an ethanol blend at the point at which 50 percent by volume of the ethanol blend is evaporated must be at least 66 degrees Celsius (150 degrees Fahrenheit).*

7. Gasoline *and any blend of gasoline and ethanol* sold in Clark County between October 1 and the following March 31 must not exceed a vapor pressure of ~~[9.0]~~ **13.5** 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-4814-01a.~~

~~—5.]~~ **8.** 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.— 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~~ ;

or

(d) *It* contains more than ~~[300]~~ 80 parts per million of sulfur.

~~[7.]~~ 9. 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.