

ADOPTED REGULATION OF THE STATE

BOARD OF AGRICULTURE

LCB File No. R002-04

Effective September 21, 2004

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 petroleum products; making a certain schedule in the Annual Book of ASTM Standards applicable to the entire State; 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 contained in Volume 05.02, “Petroleum Products and Lubricants,” of the *2002 Annual Book of ASTM Standards*, ASTM designation D 4814-01a. *The publication may be purchased from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, for the price of \$43.*

2. *Notwithstanding the provisions of Table 4 (“Schedule of Seasonal and Geographical Volatility Classes”) of ASTM designation D 4814-01a 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. Except as otherwise provided in subsection ~~3.1~~ 4, 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.

~~3.1~~ 4. 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 4814-01a.

~~4.1~~ 5. A person shall not sell, offer for sale, supply or offer to supply in this State any gasoline ~~4~~ 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.

~~5.1~~ 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 contains more than 300 parts per million of sulfur.

~~6.1~~ 7. 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. R002-04**

On May 7, 2004, the State Department of Agriculture adopted regulations assigned LCB file number R002-04 that pertain to chapter 590 of the Nevada Administrative Code.

Notice date: 1/2004

Date of adoption by agency: 5/7/2004

Hearing date: 2/23/2004

Filing date: 9/21/2004

INFORMATIONAL STATEMENT

1. A public workshop was held on February 19, 2004, in Las Vegas, Nevada, at the Nevada Department of Agriculture Office, 2300 McLeod, and February 23, 2004, in the Division of Measurement Standards office, 2150 Frazer Avenue, Sparks.

2. A public hearing was held on February 19, 2004, in Las Vegas, Nevada, at the Nevada Department of Agriculture Office, 2300 McLeod, and February 23, 2004, in the Division of Measurement Standards office, 2150 Frazer Avenue, Sparks.

Notice of workshop and notice of hearing was posted; at all six Department offices, the Nevada State Library, in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture, Division of Measurement Standards by writing to 2150 Frazer Avenue, Sparks, Nevada, 89431, calling (775) 688-1166, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by fax or e-mail.

3. Workshop held February 19, 2004 – Las Vegas

Number attended:	0
Number testified:	0
No written statements were submitted:	0

Summary of comments: Steven Grabski and Kevin Coyne reviewed the draft and found no changes required.

4. Hearing held February 19, 2004 – Las Vegas

Number attending:	0
Number testifying:	0
Number of written statements submitted:	0

5. Workshop held February 23, 2004 – Sparks

Number attended: 0
Number testified: 0
No written statements were submitted: 0

Summary of comments: none

6. Hearing held February 23, 2004 – Sparks

Number attending: 0
Number testifying: 0
Number of written statements submitted: 0

7. Comments were solicited from businesses and the public, by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Division of Measurement Standards office, (775) 688-1166.

The Nevada Board of Agriculture adopted the amendments without changes. After the Nevada Board of Agriculture adopted the amendments, the Division of Measurement Standards received comment from industry. After review of the documents and finding no compelling information the Division proceeded to file without changes.

8. The economic effects of the adopted amendments on the businesses that it is to regulate include:

- a. Adverse effects:
None
- b. Beneficial effects:
Distribution of gasoline throughout the State becomes easier and the volume available to the State increases.
- c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.

9. Economic effects of the proposed amendments on the public include:

- a. Adverse effects:
None
- b. Beneficial effects:
Larger supply of gasoline may influence pricing favorable to the consumer.
- c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.

10. 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.

11. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.
12. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
13. This regulation does not establish or increase any fees.