

LCB File No. R145-98

PROPOSED REGULATION OF THE DIVISION OF AGRICULTURE

NOTICE OF WORKSHOP

A workshop will be held on amendments to the following Nevada Administrative Codes:

1. NAC 581 FINES FOR VIOLATIONS OF WEIGHT AND MEASURES LAWS AND REGULATIONS.
2. NAC 555.020 REPEAL OF THE DESIGNATION OF INJURIOUS WEEDS.
3. NAC 590 PETROLEUM PRODUCTS AND ANTIFREEZE
4. NAC 569 BOUNDARIES OF THE VIRGINIA RANGE IN NORTHERN NEVADA

DATE: July 27, 1998

TIME: 9:30 a.m.

PLACE: Reno Office
Nevada Division of Agriculture
350 Capitol Hill Avenue
Reno, Nevada

For clarification on the proposed amendments, or to obtain a copy of the proposed amendments, contact Robert Gronowski at (702) 688-1182 ext. 239

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada County libraries. The Division of Agriculture offices in Reno, Sparks, Elko, Las Vegas, or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

NOTICE AND INTENT TO ADOPT REGULATIONS

THE NEVADA DIVISION OF AGRICULTURE PROPOSED AMENDMENTS TO NAC 590 PERTAINING TO PETROLEUM PRODUCTS AND ANTIFREEZE

Need and purpose of the proposed amendments:

To make the following corrections to the regulations:

1. Adopt the 1997 annual book of American Society for Testing and Materials Specifications for antifreeze and ASTM designation D 5216-95 and D 4656-95 by reference. This will keep Nevada standards current.
2. Amend the price to purchase ASTM books and designations, and the address to obtain copies.
3. Delete the definition of “gasoline represented as unleaded” because it is not longer used.
4. Make necessary amendments to the diesel fuel standards to ensure proper engine performance and reduce pollution created during combustion.
5. Adopting the current 1998 ASTM book of aviation fuel specifications and designation D 910-97 and D 1655-97 by reference to keep Nevada standards current.
6. Amend the octane rating standard and posting requirements for public protection.
7. Adopt the ASTM 1998 book of gasoline specifications and D 4813-97 by reference. Amend the price to purchase these from ASTM and the address to obtain copies. Make corrections in the standards for better enforcement.

Economic effect of these proposed amendments on the business which it is to regulate.

1. Adverse effects:
None
2. Beneficial effects:
Clear and current standards facilitate compliance.
3. Immediate and long term economic effects:
The economic effects are both immediate and long term.

Economic effects of the proposed amendments on the public:

1. Adverse effects:
None

2. Beneficial effects:
Ensure that the antifreeze, aviation and diesel fuel, and gasoline offered for sale will perform properly in engines and reduce air pollution substances created during combustion.

3. Immediate and long term economic effects:
The economic effects are both immediate and long term.

Economic cost to the agency for enforcement of the proposed amendments.

There will not be any additional cost to the agency to enforce the proposed amendments.

Description of any regulations of other state, local, or federal governmental agencies which the proposed amendments overlap or duplicate:

These proposed amendments do not overlap or duplicate any regulation of other state, local or federal agencies.

Fees:

The proposed amendments do not establish any new fees or increase any existing fees.

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: August 12, 1998

TIME: 9:30 a.m.

PLACE: Nevada Division of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any verbal testimony presented in the record of the hearing.

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**Nevada Division of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502**

**Nevada Division of Agriculture
2150 Frazer Street
Sparks, NV 89431**

**Nevada Division of Agriculture
1550 S. Wells Ave.
Reno, NV 89502**

**Nevada Division of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445**

**Nevada Division of Agriculture
Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801**

**Nevada Division of Agriculture
2300 McLeod
Las Vegas, NV 89104**

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Robert Gronowski at the Nevada Division of Agriculture, 688-1182 ext. 239 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted until text approved or revised by the Legislative Counsel; agency's reasons for adoption.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Paul Iverson, Administrator

Date

LCB File No. R145-98

CHAPTER 590
PETROLEUM PRODUCTS AND ANTIFREEZE
ANTIFREEZE

FUELS

590.041 Definitions. As used in NAC 590.045 to 590.070, inclusive, [unless the context otherwise requires]:

1. "Gallon" means 128 ounces.
- [2. "Gasoline represented as unleaded" means any gasoline dispensed from a pump or other device for dispensing gasoline which does not indicate that the gasoline dispensed from that pump or device is leaded gasoline.]

(Added to NAC by Dep't of Agriculture, eff. 3-27-92; A by Bd. of Agriculture, 11-18-93)

590.050 Diesel fuel: Adoption of specification guides by reference; exemption from strict compliance with standards; limitation on sulfur; posting requirements of grade assigned.

1. Except as otherwise provided in subsection[s] 2, [3 and 4, the division of agriculture of the department of business and industry] *the state board of agriculture* hereby adopts by reference the *D 975-97* specification [guides] for diesel fuel contained in volume 05.01, Petroleum Products and Lubricants, of the [1993] *1998* Annual Book of American Society for Testing and Materials (ASTM) Standards, [ASTM designation D 975-92a] *for any diesel fuel intended for use in internal combustion engines. Diesel fuel which is intended for use in a vehicle which is primarily driven on a highway must meet the low sulfur specification.*
2. [For any diesel fuel intended for use in internal combustion engines, the division of agriculture of the department of business and industry hereby establishes the exemption set forth in subsection 3 from strict compliance with the standards adopted pursuant to subsection 1.
3.]The flash point for No. 2 diesel fuel oil must not be lower than 37.8 degrees Celsius (100 degrees Fahrenheit) when [No. 1 diesel fuel oil has been added] *the fuel has been winterized* to prevent [the] gelling [of the No. 2 diesel fuel oil] ,*and is so labeled.*
- [4. On or after October 1, 1993, a person shall not sell, offer for sale, supply or offer to supply in this state any diesel fuel which is intended for use in a vehicle which is primarily driven on a highway and is propelled by an internal combustion engine if it exceeds 0.05 percent sulfur by weight.
5.]3. The grade assigned by the American Society for Testing and Materials 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 required pursuant to NRS 590.040.

(Added to NAC by Dep't of Agriculture, eff. 12-9-81; A by St. Sealer of Weights &

Measures, 3-5-90; A by Dep't of Agriculture, 3-27-92; A by Bd. of Agriculture, 11-18-93)

590.061 Gasoline: Adoption by reference of standards for testing octane rating; octane rating number required; proof of transfer.

1. The state *board of agriculture* [sealer of weights and measures] hereby adopts [by reference the methods for testing] the octane rating of gasoline *as the Antiknock Index defined by the* [contained in volume 05.04, Petroleum Products and Lubricants, of the 1993 Annual Book of] American Society for Testing and Materials (ASTM) [Standards, ASTM designations D 2699-92 and D 2700-92].
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 a method designated in subsection 1].
3. A person who transfers [gasoline] *fuel* to a person in this state, other than the consumer [of the gasoline], shall provide a proof of transfer to the person receiving the *fuel* [gasoline]. 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 sealer of weights and measures.
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 [gasoline] *fuel* is transferred;
 - (c) The date of the transfer; and
 - (d) The octane rating number of the gasoline.
5. The person receiving the [gasoline] *fuel* must keep a copy of the proof of transfer at the location that the [gasoline] *fuel* was received for not less than 30 days after the date of the delivery of the [gasoline] *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 [gasoline] *fuel* and be made available to the division of agriculture of the department of business and industry upon request.

(Added to NAC by St. Sealer of Weights & Measures, eff. 10-23-91; A 11-18-93)

590.065 Gasoline: Adoption of specification guides by reference; exemption from strict compliance with standards; limitations on vapor pressure; limitations on contents.

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, Petroleum Products and Lubricants, of the [1995] 1998 Annual Book of American Society for Testing and Materials (ASTM) Standards, ASTM designation D [4814-94d] 4814-97b, [except that footnote B in table 4 in volume 05.03 is excluded].
2. Volume 05.03 is available for inspection at the offices of the Division of Agriculture, Department of Business and Industry, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104. The volume may be purchased at a cost of [\$136] \$165 from the American Society for Testing and Materials, 100 Barr

Harbor Drive, West Conshohocken, Pennsylvania 19428.

3. Except as otherwise provided in subsection 4, gasoline containing 9 percent ethanol by volume or more is permitted an additional *1.0* pound per square inch on the vapor pressure specification.
4. Gasoline sold in Clark County between October 1 and the following March ~~[30]~~ *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 ~~[4814-94d]~~ *4814-97b*.
5. 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)]~~ *Represented as leaded gasoline on or before December 31, 1995, if it contains more than 0.10 gram of lead per gallon.*
 - ~~(b)~~ *On or after January 1, 1996, if:*
 - ~~(1)]~~*(a)* It contains more than 0.05 gram of lead per gallon;
 - ~~[(2)]~~*(b)* It contains more than 0.005 gram of phosphorus per gallon;
 - ~~[(3)]~~*(c)* Manganese or any compound of manganese has been added to the gasoline; or
 - ~~[(4)]~~*(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 contains more than 300 parts per million of sulfur.

(Added to NAC by Bd. of Agriculture, eff. 3-5-90; A by Dep't of Agriculture, 3-27-92; A by Bd. of Agriculture, 11-18-93; 11-2-94; 2-20-96)