

LCB File No. T053-01

ADOPTED TEMPORARY REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

(Effective June 6, 2001)

ADDITION 1

NAC 590.XXX Bio-Diesel: Adoption of specification guides by reference; blend requirements. (NRS 590.070)

- 1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for bio-diesel contained in the Special Publication PS-121 of the American Society for Testing and Materials (ASTM) Standards.*
- 2. Blended B-20 bio-diesel shall meet all of the requirements NAC 590.050 and, by reference within, ASTM D 975. The blend ratio shall be a minimum 20 percent and maximum 21 percent by volume bio-diesel complying with the above specifications for feedstock and composition, and the balance diesel fuel complying with NAC 590.050.*
- 3. B-100 bio-diesel shall not have a density more than 0.88 g/L as determined by ASTM Method D 1298 or D 4522 when used as pure B100 bio-diesel or as a blend containing more than 21% by volume of bio-diesel. This requirement has been added to minimize NOx emissions per a request from the Nevada Division of Environmental Protection. As an alternative to meeting the density specification for B100, fuel producers or suppliers have the option of using an alternative method, approved by the Director of the Department of Agriculture with the concurrence of the Administrator of the Division of Environmental Protection, to demonstrate that NOx emissions do not exceed United States Environmental Protection Agency heavy-duty highway engine certification standards.*

ADDITION 2

NAC 590.XXX M-85 fuel Methanol: Adoption of specification guides by references. (NRS 590.070)

- 1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for M-85 fuel methanol contained in volume 05.03, Petroleum Products and Lubricants, of the 2000 Annual book of the American Society for Testing and Materials (ASTM) Standards, ASTM designation D 5797-96.*

ADDITION 3

NAC 590.XXX E-85 fuel Ethanol: Adoption of specification guides by references. (NRS 590.070)

- 1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for E-85 fuel ethanol contained in volume 05.03, Petroleum Products and Lubricants, of the 2000 Annual book of the American Society for Testing and Materials (ASTM) Standards, ASTM designation D 5798-98a.*

ADDITION 4

NAC 590.XXX Hydrogen: Adoption of specifications. (NRS 590.070)

1. *Except as otherwise provided in this section, the state board of agriculture hereby adopts the specifications for hydrogen. ASTM method D 2650-99 is contained in volume 05.02, Petroleum Products and Lubricants, of the 2000 Annual book of the American Society for Testing and Materials (ASTM) Standards.*
2. *A person shall not sell, offer for sale, supply or offer to supply in this state any natural gas intended for use in a vehicle if, when analyzed per ASTM D2650-99:*
 - (a) *It contains less than 98.0 mole% hydrogen;*
 - (b) *It contains less than 99.9 mole% of the combination of hydrogen, water, oxygen and hydrogen; or*
 - (c) *It contains more than 0.01 mole % of total hydrocarbons.*
3. *The hydrogen shall not contain dust, sand, dirt, gums, oils, or other substances in an amount sufficient to be injurious to the fueling station equipment or the vehicle being fueled.*
4. *The hydrogen fuel at ambient conditions must have a distinctive odor potent enough for its presence to be detected down to a concentration in air of not over 1/5 (one-fifth) of the lower limit of flammability. This requirement applies only to hydrogen which is introduced into the vehicle fuel storage system in gaseous form.*

ADDITION 5

NAC 590.XXX Natural Gas: Adoption of specifications. (NRS 590.070)

At this time, the Department of Agriculture is not recommending standards for the control of natural gas. When the state board of agriculture adopts specifications for natural gas it will use ASTM Method D 2650, latest version, as contained in volume 05.02, Petroleum Products and Lubricants, of the 2000 Annual book of the American Society for Testing and Materials (ASTM) Standards as a basis. The state board of agriculture will adopt this standard only after going through the public workshop and hearing process.

ADDITION 6

NAC 590.XXX Liquefied Petroleum Gas: Adoption of specifications. (NRS 590.070)

At this time, the Department of Agriculture is not recommending standards for the control of liquefied petroleum gas. When the state board of agriculture adopts specifications for liquefied petroleum gas it will use ASTM Method D 1832, latest version, as contained in volume 05.02, Petroleum Products and Lubricants, of the 2000 Annual book of the American Society for Testing and Materials (ASTM) Standards as a basis. The state board of agriculture will adopt this standard only after going through the public workshop and hearing process.

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OVERVIEW OF CHANGES

These proposed additions to Nevada Administrative Code (NAC) 590 will establish specifications for alternative fuels as approved by the Division of Environmental Protection in NAC 486A.015. NRS 590.070 charges “the state board of agriculture shall adopt regulations relating to the standards for fuel, including fuel use in internal combustion engines, which are substantially similar to the laws and regulations of the State of California relating to those standards.”

The additions outlined below are based on the State of California laws relating to alternative fuels, the 2000 Annual Book of ASTM Standards, the “Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation” as adopted in 1995 by the National conference on Weights and Measures sponsored by the National Institute of Standards and Technology as well as discussions with the Nevada Division of Environmental Protection, Nevada State Energy Office and the Fuel Standards Environmental Coordination Committee.

In addition, the proposed LPG amendments have included results in the “Proposed Amendment to the Specifications for LPG Used in Motor Vehicles”, Staff report from the California Air Resources Board.

Public workshops were held in Reno on October 24, 2000 and Las Vegas on October 26, 2000 to solicit public comment on the proposed regulations. Public hearings were then held in Reno on December 19, 2000 and in Las Vegas on December 20, 2000. The regulations were also discussed at two meetings of the Fuel Standards Environmental Coordination Committee. Based on the workshops, hearings and meetings, the original specifications were changed.

We requested approval from the Board of Agriculture to approve these standards at the January 31, 2001 meeting.

INFORMATIONAL STATEMENT

1. Public workshops were held on October 24, 2000 in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue and on October 26, 2000 in Las Vegas, Nevada at the Clark County Health Department office located at 625 Shadow Lane.

Public hearings were held on December 19, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue and on December 20, 2000 in Las Vegas, Nevada at the Clark County Health Department office located at 625 Shadow Lane.

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. 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 126 persons who have requested to be notified of amendments were notified by mail.

2. Workshop held October 24, 2000-Reno
12 people attended
Comments focused on the availability of the various fuels in Nevada.
Written comments were received by Sam McCahon of the National Biodiesel Board pertaining to the biodiesel specification.

Workshop held October 26, 2000-Las Vegas
11 people attended
Comments focused on the availability of the various fuels in Nevada.
Written comments were received by Sam McCahon of the National Biodiesel Board pertaining to the biodiesel specification.

Hearing held December 19, 2000-Reno
8 people attended
Comments focused on the NOx reductions of biodiesel based on various feedstocks.
Written comments were received by Graham Noyes of World Energy, Sam McCahon and Joseph Jobe of the National Biodiesel Board, Steve Howell of Mark IV Consulting, Shaine Tyson of the National Renewable Energy Laboratory pertaining to biodiesel specification, and Lew Gibbs of Chevron on behalf of ASTM pertaining to specifications for E85, M85, LPG and Natural Gas.

Hearing held December 20, 2000-Las Vegas
13 people attended
Comments focused on the NOx reductions of biodiesel based on various feedstocks.
Written comments were received by Graham Noyes of World Energy, Sam McCahon and Joseph Jobe of the National Biodiesel Board, Steve Howell of Mark IV Consulting, Shaine Tyson of the National Renewable Energy Laboratory pertaining to biodiesel specification, and Lew Gibbs of Chevron on behalf of ASTM pertaining to specifications for E85, M85, LPG and Natural Gas.

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 amendments were adopted with changes incorporated at the Board of Agriculture meeting of January 31, 2001. The board added the statement that the rules wouldn't be promulgated until after they went to public workshop and notice for natural gas and LPG. These rules were established to provide guidance to industry.

4. The economic effects of the adopted amendments on the business which it is to regulate include:

- a. Adverse effects:
None
 - b. Beneficial effects:
Ensures a fair marketplace and holds all to the same standard.
 - 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:
These standards ensure that the alternative fuels made available meet standardized specifications and will not damage their vehicles.
 - 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. There are no federal requirements, only federal guidelines. The standard for biodiesel has a requirement that is more stringent than a federal guideline and industry and other state agencies have agreed to its necessity.
9. This regulation does not establish or increase any fees.

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