

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

LCB File No. R209-08

June 19, 2009

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

AUTHORITY: §1, NRS 590.070.

A REGULATION relating to motor vehicle fuel; adopting by reference certain standards concerning biodiesel fuel; revising certain requirements for blended biodiesel fuel; and providing other matters properly relating thereto.

Section 1. NAC 590.051 is hereby amended to read as follows:

590.051 1. Except as otherwise provided in this section, the State Board of Agriculture hereby adopts by reference the ~~[specifications]~~ *following standards* for biodiesel fuel set forth in Volume 05.04, “Petroleum Products and Lubricants,” of the ~~[2000]~~ *Annual Book of ~~the American Society for Testing and Materials (ASTM)~~ ASTM Standards, as those standards existed on July 1, 2009, and any subsequent revision to those standards issued by ASTM International that has been approved by the Board pursuant to this section for use in this State:*

(a) ASTM ~~[Provisional Specification PS 121-99. The publication]~~ *D6751, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels”; and*

(b) *ASTM D7467, “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”*

↳ *Each standard* may be purchased from ~~[the American Society for Testing and Materials,]~~ *ASTM International*, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, *or at the Internet address <http://www.astm.org>*, for the price of ~~[\$30.]~~ \$43.

2. *The Board will review each revision of the standards adopted pursuant to subsection 1 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 shall 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 has been approved or deemed approved by the Board will be available for inspection at the State Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada 89502.*

3. The ratio for ~~[B-20-blended]~~ biodiesel fuel *blended in accordance with ASTM D7467* must be not less than ~~[20]~~ 6 percent but not more than ~~[21]~~ 20 percent by volume of biodiesel fuel which complies with the specifications for feedstock and composition set forth in ~~[Provisional Specification PS 121-99]~~ *ASTM D6751* adopted by reference pursuant to subsection 1. The remainder of the biodiesel blend must comply with the requirements for diesel fuel set forth in NAC 590.050.

~~[3.—Except as otherwise provided in this subsection, any biodiesel fuel that is used as biodiesel fuel or as blended biodiesel fuel consisting of more than 21 percent by volume of biodiesel fuel must not have a density of more than .880 grams per liter as determined by using Provisional Specification PS 121-99 adopted by reference pursuant to subsection 1. In lieu of complying with the requirement for density, a producer or supplier of fuel may, if approved by~~

~~the Director of the State Department of Agriculture in consultation with the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, demonstrate that emissions of nitrogen oxides do not exceed the standards for certifying heavy-duty highway engines set forth in 40 C.F.R. Part 86.]~~