

PROPOSED REGULATION OF THE STATE BOARD OF AGRICULTURE

LCB File No. R032-10

(NOTE: The provisions of this regulation were split out from LCB File No. R111-08 (the revised proposed LCB Draft) for separate consideration; workshops and hearing concerning this change have already been conducted)

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 ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," contained in Volume 05.02, "Petroleum Products and Lubricants," of the 2009 *Annual Book of ASTM Standards*, as that standard existed on July 1, 2009, and any subsequent revision of that standard published by ASTM International that is approved by the State Board of Agriculture pursuant to this section for use in this State. The standard may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$53.

2. The State Board of Agriculture 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 State Board of Agriculture fails to approve or disapprove such a revision within 120 days after its date of publication, the revision shall be deemed approved by the State Board of Agriculture for use in this State. The State Board of Agriculture 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 State Board of Agriculture 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 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.

4. Except as otherwise provided in subsection 6, gasoline:

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

(1) Not less than 9 percent ethanol by volume and not more than 10 percent ethanol by volume must not exceed the limits for vapor pressure set forth in ASTM D4814 by more than 1 pound per square inch.

(2) Less than 9 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 percent ethanol by volume must not exceed the limits specified in ASTM D4814 by more than 1 pound per square inch.

5. Until May 1, 2012, or until ASTM D4814 is amended to incorporate changes to the minimum temperature for vapor lock for the following classes to include the effects of volatility of not more than 10 percent of ethanol by volume, whichever occurs first, the minimum temperature for a vapor-liquid ratio of 20 for the applicable class of vapor lock protection for a blend of gasoline and ethanol is:

(a) For class 1, 54 degrees Centigrade (129 degrees Fahrenheit).

(b) For class 2, 50 degrees Centigrade (122 degrees Fahrenheit).

(c) For class 3, 47 degrees Centigrade (116 degrees Fahrenheit).

(d) For class 4, 41.5 degrees Centigrade (107 degrees Fahrenheit).

(e) For class 5, 39 degrees Centigrade (102 degrees Fahrenheit).

(f) For class 6, 35 degrees Centigrade (95 degrees Fahrenheit).

↪ Gasoline and any blend of gasoline and ethanol that is sold in the area of this State which is east of the 117th degree of west longitude and north of the 38th degree of north latitude must meet the minimum temperatures for vapor lock protection set forth in ASTM D4814.

6. 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 13.5 pounds per square inch.

7. 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;~~

~~(d)~~ It contains more than 10 percent ethanol by volume; or

~~(e)~~ (d) It contains more than 95 parts per million of sulfur.

8. 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.