

Request approval from the board to submit language to permanently amend Nevada Administrative Code Chapter 590 – MOTOR VEHICLE FUEL, PETROLEUM PRODUCTS AND ANTIFREEZE to the Legislative Counsel for examination in accordance with NRS 233B.063 and, upon receipt of approved or revised text from the Legislative Counsel, to carry forth the requirements of NRS Chapter 233B to prepare a small business impact statement, solicit public comment, and hold a workshop(s) on the proposed regulations. – Cadence Matijevich, Administrator (for possible action)

At the March 4, 2020 meeting of the Nevada Board of Agriculture, the board took action to approve staff initiate the administrative rulemaking process to amend Nevada Administrative Code Chapter 590. Staff has drafted language accordingly and is seeking approval from the board to submit the following language to the Legislative Counsel for examination in accordance with NRS 233B.063.

Purpose: To amend and update certain sections of Nevada Administrative Code (NAC) Chapter 590 for which authority to adopt regulation is granted to the Board of Agriculture as follows:

- 1) To update the prices to purchase ASTM International specifications.
- 2) To update the titles of two cited ASTM International specifications.
- 3) To update and add department office addresses where ASTM International specifications are available for review.
- 4) To add requirements for a diesel fuel to be advertised and sold as Premium Diesel.
- 5) To add requirements for descriptive terms of gasoline and gasoline-oxygenate blends.
- 6) To create a new section identifying reference specification documents for motor oil.

Effective date: Sections 1, 2, 3, 4, 5, 7 and 8, upon approval. Section 6, 90 days after approval (to allow time for retailers to post required labeling).

Language to be deleted is notated in **[red strikethrough]**, language to be added is notated in **bold blue italics**.

CHAPTER 590 - MOTOR VEHICLE FUEL, PETROLEUM PRODUCTS AND ANTIFREEZE

Section 1

NAC 590.050 Diesel fuel ~~[oils]~~: Adoption by reference of standard specifications; posting of grade; *requirements for advertisement and sale as Premium Diesel Fuel.* ([NRS 561.105](#), [590.070](#), [590.100](#))

1. Except as otherwise provided in subsection 2, the State Board of Agriculture hereby adopts by reference the most recent version of ASTM D975, “Standard Specification for Diesel Fuel ~~[Oils]~~,” contained in the *Annual Book of ASTM Standards* published by ASTM

International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to [NAC 590.045](#) and 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 ~~67~~72.

2. The flash point for No. 2 diesel fuel ~~foil~~ must not be lower than 37.8 degrees Celsius (100 degrees Fahrenheit) when the No. 2 diesel fuel ~~foil~~ has been treated to prevent gelling and the No. 2 diesel fuel ~~foil~~ has been labeled “winterized.”

3. The grade assigned by ASTM International for diesel fuel ~~foil~~:

(a) Dispensed from a pump or other device for dispensing the diesel fuel ~~foil~~ must be posted on that pump or device, except that such posting does not need to include the term “Ultra Low Sulfur Diesel” or “ULSD.”

(b) Transported or stored in a vehicle which is used for the delivery of diesel fuel ~~foil~~ must be posted on the label of that vehicle as required pursuant to [NRS 590.040](#).

4. All diesel fuels identified on retail dispensers as premium, super, supreme, or premier must conform to the following minimum requirements:

(a) Cetane Number. – A minimum cetane number of 47.0 as determined by one of the latest versions of ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil,” ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived Cetane Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber,” or ASTM D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel Oils—Ignition Delay and Combustion Delay Using a Constant Volume Combustion Chamber Method;”

(b) Low Temperature Operability. – A cold flow performance measurement which meets the latest version of ASTM D975, “Standard Specification for Diesel Fuel,” tenth percentile minimum ambient air temperature charts and maps by the latest version of either ASTM D2500, “Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels” or ASTM D4539, “Standard Test Method for Filterability of Diesel Fuels by Low Temperature Flow Test, (LTFT).” The latest version of ASTM D6371, “Standard Test Method for Cold Filter Plugging Point of Diesel and Heating Fuels” may be used when the test results are a maximum of 6 °C below the Cloud Point. Low temperature operability is only applicable October 1 to March 31 of each year;

(c) Lubricity. – A maximum wear scar diameter of 460 micrometers as determined by the latest version of either ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR)” or ASTM D7688, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR) by Visual Observation” can be used;

(d) Corrosion. – A minimum rating of B+ as determined by the latest version of either NACE TM0172, “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines” or ASTM D7548 “Standard Test Method for Determination of Accelerated Iron Corrosion in Petroleum Products” can be used;

(e) Filter Blocking Tendency (FBT). – A maximum of 2.2 by the latest version of ASTM D2068, “Standard Test Method for Determining Filter Blocking Tendency”, following procedure B;

(f) Injector Deposit Control. – Maximum power loss in keep-clean mode of 2 % by the latest version of Coordinating European Council, CEC F-98-08, “Direct Injection, Common Rail Diesel Engine Nozzle Coking Test.”

5. For any terms other than premium, super, supreme, or premier included in the diesel fuel product or grade name and/or advertisements and claims displayed on dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be measurable utilizing industry accepted test methodologies developed by recognized standards organizations such as ASTM, SAE, and CEC to allow verification of the improved performance.

~~4~~6. Any other test method may be used if the State Sealer of Consumer Equitability 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.

(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; R145-98, 12-14-98; R176-01, 5-31-2002; R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 2

NAC 590.051 Biodiesel and diesel fuel: Adoption by reference of standard specifications; requirements for certain biodiesel fuel blends. ([NRS 590.070](#), [590.100](#))

1. Except as otherwise provided in this section, the State Board of Agriculture hereby adopts by reference the most recent version of the following standards for biodiesel and diesel fuel set forth in the *Annual Book of ASTM Standards* published by ASTM International:

(a) ASTM D6751, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels”;

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

(c) ASTM D975, “Standard Specification for Diesel Fuel ~~Oil~~.”

↪ Each new revision of those standards shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. Each standard is available for inspection pursuant to [NAC 590.045](#) and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, or at the Internet address <http://www.astm.org>. The price of ASTM D6751 is ~~52~~56, the price of ASTM D7467 is ~~52~~72 and the price of ASTM D975 is ~~67~~72.

2. The ratio for biodiesel fuel blended in accordance with ASTM D7467 must be not less than 6 percent but not more than 20 percent by volume of biodiesel fuel which complies with the specifications for feedstock and composition set forth in ASTM D6751. The remainder of the biodiesel blend which contains not less than 6 percent but not more than 20 percent by volume of biodiesel fuel must comply with the requirements for diesel fuel set forth in [NAC 590.050](#).

3. Biodiesel fuel blends which contain not more than 5 percent by volume of biodiesel fuel must comply with the requirements for diesel fuel set forth in [NAC 590.050](#).

(Added to NAC by Bd. of Agriculture by R064-01, eff. 12-17-2001; A by R209-08, 1-28-2010; R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 3

NAC 590.052 Fuel methanol: Adoption by reference of standard specifications. ([NRS 590.070](#), [590.100](#))

1. The State Board of Agriculture hereby adopts by reference the most recent version of ASTM D5797, “Standard Specification for ~~[Fuel Methanol (M70-M85)]~~ *Methanol Fuel Blends (M51-M85)* for *Methanol-Capable* Automotive Spark-Ignition Engines,” as set forth in the *Annual Book of ASTM Standards* published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International.

2. The standard is available for inspection pursuant to [NAC 590.045](#) and 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 \$~~[52]~~56.

(Added to NAC by Bd. of Agriculture by R064-01, eff. 12-17-2001; A by R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 4

NAC 590.053 Ethanol fuel blends: Adoption by reference of standard specifications. ([NRS 590.070](#), [590.100](#))

1. The State Board of Agriculture hereby adopts by reference the most recent version of ASTM D5798, “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines,” set forth in the *Annual Book of ASTM Standards* published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International.

2. The standard is available for inspection pursuant to [NAC 590.045](#) and 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 \$~~[46]~~56.

(Added to NAC by Bd. of Agriculture by R064-01, eff. 12-17-2001; A by R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 5

NAC 590.054 Chemical composition of gases by mass spectrometry: Adoption by reference of standard test method; restrictions on hydrogen sold or supplied in State. ([NRS 590.070](#), [590.100](#))

1. The State Board of Agriculture hereby adopts by reference the most recent version of ASTM D2650, “Standard Test Method for Chemical Composition of Gases By Mass Spectrometry,” set forth in the *Annual Book of ASTM Standards* published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. The standard is available for inspection pursuant to [NAC 590.045](#) and 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 \$~~[46]~~50.

2. A person shall not sell, offer for sale, supply or offer to supply in this State any hydrogen that is intended for use in a vehicle if the hydrogen, after it is analyzed in accordance with ASTM D2650, contains:

- (a) Less than 98 percent per mole of hydrogen;
- (b) Less than 99.9 percent per mole of any combination of hydrogen, water and oxygen; or
- (c) More than 0.01 percent per mole of total hydrocarbons.

3. Any hydrogen specified in subsection 2 must not contain any dust, sand, dirt, gum, oil or other substance in an amount which may damage any equipment located at a fueling station or a vehicle being fueled at that station. If the hydrogen is introduced in gaseous form into a vehicle's system for storing fuel, the hydrogen under ambient conditions must have a distinctive odor which may be detected in a concentration in air of not more than one-fifth of the lower limit of flammability.

(Added to NAC by Bd. of Agriculture by R064-01, eff. 12-17-2001; A by R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 6

NAC 590.059 Motor vehicle fuel: Posting of octane rating number on pump or other device; required accuracy of rating number; *permissible descriptive terms for grades of gasoline or gasoline-oxygenate blends*; posting of label indicating that fuel contains manganese. (NRS 590.070, 590.100)

1. The octane rating number of the motor vehicle fuel from the proof of transfer must be posted on the pump or other device for dispensing the motor vehicle fuel.

2. The octane rating number of the product that is in the pump or other device for dispensing motor vehicle fuel must not be lower than the octane rating that is posted on the pump or device.

3. It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless such fuel meets the minimum antiknock index requirement for a specified geographic area of Nevada where the fuel is being sold.

(a) Except as otherwise provided in paragraph (b), for gasoline and gasoline-oxygenate blends that is sold in this State:

(1) 91 minimum antiknock index (AKI): "Premium", "Super", "Supreme", "High Test"

(2) 89 minimum AKI: "Midgrade", "Plus"

(3) 87 minimum AKI: "Regular", "Unleaded"

(b) For gasoline and gasoline-oxygenate blends that is sold within the area of this State which is east of the 117th degree of west longitude and north of the 38th degree of north latitude the following descriptive terms are allowed:

(1) 90 minimum AKI: "Premium", "Super", "Supreme", "High Test"

(2) 87 minimum AKI: "Midgrade", "Plus"

(3) 85 minimum AKI: "Regular", "Unleaded"

~~3~~4. In addition to the requirements set forth in subsections 1 ~~and 2~~ to 3, *inclusive*, any person who sells motor vehicle fuel at retail shall, if the motor vehicle fuel contains manganese or any compound containing manganese, including, without limitation, MMT, post on the pump or other device for dispensing the motor vehicle fuel a label which:

- (a) Meets the requirements of subsections ~~4~~5 and ~~6~~7;
- (b) Is affixed during any period required by subsection ~~5~~6; and

(c) Includes the following language:

WARNING: Read label before dispensing fuel.

Motor vehicle fuel contains manganese, manganese compound or MMT.

Recommend vehicle operator consult owner's manual before using this motor fuel.

~~4~~5. The label required pursuant to subsection ~~3~~4 must:

- (a) Be legible and conspicuous;
- (b) Be at least as large as 4 inches wide by 4 inches long;
- (c) Consist of black ink on a background that is white; and
- (d) Be written in at least 12-point font.

~~5~~6. The label required pursuant to subsection ~~3~~4 must be affixed to the applicable pump or other device for dispensing motor vehicle fuel in the manner described in subsection ~~6~~7:

(a) At the time motor vehicle fuel containing manganese or any compound containing manganese, including, without limitation, MMT, is loaded into or otherwise placed in a storage tank from which the pump or other device for dispensing motor vehicle fuel draws its supply of fuel, and before the pump or other device for dispensing motor vehicle fuel may be used to dispense such fuel;

(b) For 6 months immediately after the time specified in paragraph (a); and

(c) For an additional 6 months immediately after any subsequent instance in which motor vehicle fuel containing manganese or any compound containing manganese, including, without limitation, MMT, is loaded into or otherwise placed in a storage tank from which the pump or other device for dispensing motor vehicle fuel draws its supply of fuel.

~~6~~7. The label required pursuant to subsection ~~3~~4 must, during any period specified in subsection ~~5~~6, be affixed:

(a) To the exterior of each side of the pump or other device for dispensing motor vehicle fuel from which a consumer may dispense the fuel; and

(b) In a manner that is conspicuous and readily observable by the consumer.

~~7~~8. The labels described in subsections ~~3~~4 to ~~6~~7, inclusive, may be obtained free of charge from the Division of Consumer Equitability of the State Department of Agriculture, ~~2150 Frazer Avenue~~ **405 South 21st Street**, Sparks, Nevada 89431.

~~8~~9. As used in this section, "MMT" means methylcyclopentadienyl manganese tricarbonyl.

(Added to NAC by St. Sealer of Weights & Measures, eff. 10-23-91; A by Bd. of Agriculture, 2-20-96; R189-12, 12-23-2013, eff. 1-1-2014)

Section 7

NAC 590.065 Gasoline: Adoption by reference of standard specifications for automotive spark-ignition engine fuel; limitations on vapor pressure; limitations on sale or supply based on contents. ([NRS 561.105](#), [590.070](#))

1. Except as otherwise provided in this section, the State Board of Agriculture hereby adopts by reference the most recent version of ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," contained in the *Annual Book of ASTM Standards* published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. The standard is available for

inspection pursuant to [NAC 590.045](#) and 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 ~~67~~72.

2. Notwithstanding the provisions of Table 4 (“Schedule of *U.S.* 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.

3. Except as otherwise provided in subsection 4, 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.

4. 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.

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) It contains more than 0.05 gram of lead per gallon;

(b) It contains more than 0.005 gram of phosphorus per gallon;

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

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

6. Any other test method may be used if the State Sealer of Consumer Equitability 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.

(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; 10-22-97; R145-98, 12-14-98; R176-01, 5-31-2002; R002-04, 9-21-2004; R111-08, 1-28-2010; R032-10, 6-30-2010; R106-10, 2-20-2013; R094-15, 4-4-2016)

Section 8

NAC 590.xxx Motor Oil: Adoption by reference of standard specifications for automotive engine oil. (NRS 590.080)

1. The State Board of Agriculture hereby adopts by reference the most recent version of SAE J183, “Engine Oil Performance and Engine Service Classification,” published by SAE (Society of Automotive Engineers) International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by SAE International. The standard is available for inspection pursuant to [NAC 590.045](#) and may be purchased from SAE International, 400 Commonwealth Drive, Warrendale, PA 15096, or at the Internet address <http://www.sae.org>, for the price of \$83.

2. Motor oil offered for sale in this State shall meet its labeled viscosity grade specification as specified in the latest version of SAE J300, “Engine Oil Viscosity Classification.” The standard is available for inspection pursuant to NAC 590.045 and may be purchased from SAE International, 400 Commonwealth Drive, Warrendale, PA 15096, or at the Internet address <http://www.sae.org>, for the price of \$83.

3. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by SAE International or ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.