



Division of Consumer Equitability

Workshop Minutes – LCB File Nos. R080-20 and R081-20
Wednesday, October 14, 2020 at 10:00 a.m.

Remote Meeting

Information:

Nevada Department of Agriculture

Location: Web-ex meeting:

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=mdfb6bbb6873787dc4630238a1a688611>

Meeting Number: 126 609 7134

Meeting Password: Gw2m3PimY7n; 49263746 from phones and video systems

Phone Join:1-408-418-9388

Phone Access Code: 126 609 7134

Phone Access Password: 49263746

COVID-19 Notice

ALL PERSONS WISHING TO ATTEND THE MEETING MUST ATTEND VIA WEBEX OR TELEPHONICALLY.

- The open meeting law (Nevada Revised Statutes Chapter 241) requires public bodies to conduct their meetings with at least one physical location.
- Under Declaration of Emergency Directive 006, issued March 22, 2020, the physical location requirement has been suspended.

WORKSHOP MEETING MINUTES

The workshop was called to order at 10:11 a.m. PDT by Dr. William (Bill) Striejewske, PhD, NDA Senior Petroleum Chemist.

Persons in attendance:

Cadence Matijevich, Administrator, NDA Division of Consumer Equitability

Brandon Harmon, Management Analyst, NDA Division of Consumer Equitability

Ciara Ressel, Public Information Officer, NDA

Joe Sorena, Chevron Products Company

Christina Chen, Ramboll (on behalf of Western States Petroleum Association)

Margo Parks, Western States Petroleum Association

Dr. Striejewske noted that the workshop was being held virtually via WebEx using either computer or telephone and that the workshop had been properly noticed as required by Nevada Open Meeting law.

Dr. Striejewske provided instruction to the meeting participants about how to address potential technical problems of the WebEx online meeting platform and to use the “chat” and “raise hand” functions when wishing to provide comment. Dr. Striejewske requested that all persons identify

themselves by name and indicating any affiliation when providing comment. Instruction was given to those participating by phone as to how to mute and unmute their line to provide comment. Instruction was given that written public comment could be provided by email to Dr. Striejewske at the email address included in the workshop agenda and which was provided in the chat window of the online meeting.

Dr. Striejewske noted that the workshop was being recorded to meet the requirements of Nevada Open Meeting Law.

Ms. Matijevich requested that Ms. Chen submit her contact information to Ms. Matijevich via email at the address she provided in the chat window of the online meeting.

I. **Public Comment

No public comment was submitted.

II. The Nevada Department of Agriculture (NDA) solicited comments from interested persons on the following general topics that may be addressed in proposed regulations (LCB File Nos. R080-20 and R081-20).

Dr. Striejewske provided a summary of the proposed regulations as follows:

The Department is proposing changes and additions to Nevada Administrative Code Chapter 590, encompassing many of the sections between 010 and 070, and including the creation of several new sections. As some of these sections are under the jurisdiction of the Board of Agriculture while others are under the jurisdiction of the State Sealer, they have been divided into two LCB files. R080-20 covers the changes in those sections overseen by the Board of Agriculture, and R081-20 covers the changes overseen by the State Sealer.

LCB File No. R080-20 includes updates and additions to the following sections of NAC Chapter 590:

- SECTION 045 - updates the address of the Nevada Department of Agriculture office in Las Vegas
- SECTION 050 - updates the title and purchase price (from ASTM, International) for the adopted standard specification for diesel fuel; conforms some language due to title change
- SECTION 051 - updates the title for the standard specification for diesel fuel and purchase prices (from ASTM) for the adopted standard specifications for biodiesel fuel blend stock, biodiesel blends (B6 to B20), and diesel fuel
- SECTION 052 - updates the title and purchase price (from ASTM) for the adopted standard specification for Methanol Fuel Blends

- SECTION 053 - updates the purchase price (from ASTM) for the adopted standard specification for Ethanol Fuel Blends
- SECTION 054 - updates the purchase price (from ASTM) for the adopted standard specification for Chemical Composition of Gases
- SECTION 059 - updates the address of the Nevada Department of Agriculture office in Sparks
- SECTION 061 - establishes allowed descriptors for each grade for gasoline and blends of gasoline and oxygenate.

NDA has found cases retailers improperly used descriptive terms for gasoline grades that could be possibly misleading. An example would be using the term Super for a midgrade, when Super is understood, like Premium, to refer to 91 octane gasoline. There is a table of allowed terms for the various gasoline grades contained in NIST Handbook 130, but it is in a section of the handbook that we do not adopt. This addition to 590.061 would add those terms and thus prohibit misleading use of terms.

- SECTION 065 - updates the purchase price (from ASTM) for the adopted standard specification for Spark-Ignition Engine Fuel; updates the name of a table referenced in this section
- A new section adopts the most recent standards for viscosity grade classifications and the specifications for engine oil performance and engine service classification published by SAE International

This new section is being added to specify which SAE International documents will be referenced. We realized that, unlike in the various fuel sections of Chapter 590 where fuel specifications are adopted, that had never been done for motor oil. This will correct that omission.

- A new section establishes certain standards for diesel fuel labeled “premier,” “premium,” “super” or “supreme” on retail dispensers, including standard test methods from ASTM, International and NACE

Dr. Striejewske provided further explanation. In 2018, the National Conference on Weights & Measures updated the definition for Premium Diesel, a fuel in which 6 certain properties must exceed those of so-called regular diesel to be identified as premium. The other descriptors premier, super, supreme, would be applicable to diesel fuel in which fewer than 6 properties exceed regular diesel. To date, we have not seen Premium Diesel in Nevada, but we want to be proactive to ensure that when the product is being sold in Nevada that it truly meets the quality threshold.

LCB File No. R081-20. This file includes updates and additions to Chapter 590 as follows:

- SECTION 010 - updates the title and purchase price (from ASTM) for the adopted standard specification for glycol base engine coolants
- SECTION 035 - updates the title and purchase price (from ASTM) for the volume containing standard methods for the analysis of glycol base engine coolants; updates the addresses of Nevada Department of Agriculture offices in Sparks and Las Vegas and adds the address of the Nevada Department of Agriculture office in Elko
- SECTION 045 - updates the addresses of Nevada Department of Agriculture offices in Sparks and Las Vegas and adds the address of the Nevada Department of Agriculture office in Elko
- SECTION 055 - updates the purchase price (from ASTM) for the adopted ASTM standard specifications for aviation gasoline and aviation turbine (jet) fuel
- A new section establishes civil penalties for violations of any provision of NRS 590.160 to 590.330, inclusive

During the review of Chapter 590, it was noted that NRS 590.322 called for the State Sealer to adopt civil penalties for violations of the provisions of the sections concerning Advertisement of Motor Vehicle Fuel and Petroleum Products. NDA found that these penalties had never been adopted. This section addresses and corrects that omission.

Dr. Striejewske called for comments or questions on the proposed regulations.

Mr. Joe Sorena, Chevron Products Company, commented that Chevron was in agreement with the proposed changes and finds them consistent with best practices. Mr. Sorena inquired as to if additional amendments to the proposed regulations were under consideration, if an additional written comment period on the proposed regulations would be provided and what additional public meetings would be held regarding the proposed regulations.

Dr. Striejewske responded that if comments were received during the workshop indicating concerns with the proposed regulations that NDA would take those concerns under consideration and may include additional language within the proposed regulations at the time of adoption to address those concerns.

Ms. Matijevich commented that written comments on the proposed regulations could be submitted to NDA via email at any time during the administrative rulemaking process. She noted that there would be a hearing conducted for adoption of the regulations and that such hearing had tentatively been set for December 9, 2020 and would be noticed not less than 30 days prior to the hearing date. The notice for the hearing for adoption of regulations would provide instruction as to how to provide written comment and would include a deadline for submission of comment for purpose of being included in the official record of the hearing for adoption.

Mr. Joe Sorena, Chevron Products Company, thanked NDA for the opportunity to participate in the rulemaking process.

Dr. Striejewske called for any additional comments or questions on the proposed regulation. No additional comments or questions were submitted.

III. Public Comment

No public comment was submitted.

IV. Adjourn

Dr. Striejewske thanked the workshop attendees for their participation and adjourned the workshop at 10:31 a.m. PDT.