

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director

Las Vegas Office:
2300 McLeod Street
Las Vegas NV 89104-4314
(702) 668-4590
Fax (702) 668-456



Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

MEMORANDUM

TO: Nevada Department of Agriculture Offices
State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office

FROM: William Striejewski, Senior Petroleum Chemist – 775-353-3792
wstriejewski@agri.nv.gov Fax Number 775-353-3798

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for Monday,
November 30, 2015, 8:00 AM

DATE: 10/26/2015

I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on November 30, 2015 from 8-8:30am.

Please post the agenda before 9:00am on October 29, 2015 per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office
Sparks Office – Nevada Department of Agriculture
Las Vegas Office – Nevada Department of Agriculture
Elko Office – Nevada Department of Agriculture
Consumer Equitability – Department of Agriculture

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

MEETING NOTICE AND AGENDA

Public Hearing

Notice of Intent to Act Upon a Regulation

LOCATION: Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
Phone: 775-353-3601

Video-conference to: Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104
Phone: 702-668-4590

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801
Phone: 775-738-8076

DATE AND TIME: Monday November 30, 2015 8-8:30am

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 590; *a regulation relating to engine products; and providing other matters properly relating thereto.*

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify The Dept. of Agriculture in writing at 405 S. 21st Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at www.agri.state.nv.us. For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 McLeod Street, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City.

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. R094-15

DIVISION OF CONSUMER EQUITABILITY

NOTICE OF INTENT TO ACT UPON A REGULATION And NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on Monday, November 30, 2015, 8:00 AM, at Agriculture Headquarters, 405 South 21st Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 590 of the Nevada Administrative Code. The proposal has been designated as File No. R094-15 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 590; *a regulation relating to engine products; and providing other matters properly relating thereto.*

1. The need for and the purpose of the proposed regulation or amendment
One purpose of this action is to update the language relative to a number of fuels, simplifying language and updating prices for the purchase of specifications. A second purpose is to clarify the dispenser labeling for diesel fuel. A third purpose is to set a minimum octane rating in the state.
2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.
Updating information regarding fuel standards adopted by the State Board of Agriculture; clarifying certain requirements for the posting of diesel fuel grades on diesel fuel pumps; establishing the minimum octane rating number for gasoline and any blend of gasoline and ethanol that is sold outside a certain area of this State; and providing other matters properly relating thereto.
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - a) Both adverse and beneficial effects; and
The updating of language will be invisible to business, having neither a beneficial or adverse effect; the diesel dispenser labeling section will have little effect on business, but that effect will be beneficial; the minimum octane rating section may have a small adverse effect on a limited number of businesses, but this action is in line with the adopted specification for gasoline, ASTM D4814.
 - b) Both immediate and long-term effects
The minimum octane rating section may have a small immediate adverse effect on a limited number of businesses.
4. The estimated cost to the agency for enforcement of the proposed regulation.
Does not apply.
5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
Does not apply.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
Does not apply.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
Does not apply.
8. Whether the proposed regulation establishes a new fee or increases an existing fee.
Does not apply.

A concerted effort was made to determine the impact of the proposed regulation on small businesses. Staff of the Bureau of Fuel Technology and administration division determined that there will be a possible impact in the case of Section 7 § 3 (minimum octane rating).

The LCB approved revision can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

**Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
ATTN: William S. Striejewske
(775) 353-3792
wstriejewske@agri.nv.gov**

Written submissions must be received by the Nevada Department of Agriculture on or before November 28, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

And in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Clark County Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Elko County Library, 720 Court Street, Elko, NV 89801

Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Public Library, 95 South R Street, Virginia City, NV 89440
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
Washoe County Library, 301 South Center Street, Reno, NV 89501
White Pine County Library, 950 Campton Street, Ely, NV 89301
Nevada State Legislature Website: www.leg.state.nv.us

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
MICHAEL ROBERSON, *Senator, Chairman*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
PAUL ANDERSON, *Assemblyman, Chairman*
Cindy Jones, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*

RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

October 19, 2015

William Striejewski, Ph.D.
Senior Program Chemist
Consumer Equitability Division
Nevada Department of Agriculture
2150 Frazier Avenue
Sparks, Nevada 89431

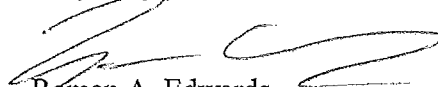
Re: LCB File No. R094-15

Dear Mr. Striejewski:

A proposed regulation of the State Board of Agriculture has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Very truly yours,


Roman A. Edwards
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

RAE/slj
Enclosure

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

LCB File No. R094-15

October 19, 2015

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

AUTHORITY: §1, NRS 590.380, as amended by section 204 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3640; §2, NRS 561.105 and 590.070; §§3-8, NRS 590.070.

A REGULATION relating to engine products; revising the license fee for certain brands of antifreeze; updating information regarding fuel standards adopted by the State Board of Agriculture; clarifying certain requirements for the posting of diesel fuel grades on diesel fuel oil pumps; establishing the minimum octane rating number for gasoline and any blend of gasoline and ethanol that is sold outside a certain area of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires any antifreeze sold in this State to be licensed each fiscal year by the State Sealer of Consumer Equitability and authorizes the State Board of Agriculture to establish a license fee. (NRS 590.380, as amended by section 204 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3640) **Section 1** of this regulation establishes a license fee of \$100 for each brand of antifreeze submitted.

Existing law requires the Board to adopt specifications for motor vehicle fuel in this State. (NRS 590.070) Existing regulations adopt by reference certain published standards for diesel fuel oils, biodiesel and diesel fuel, fuel methanol, ethanol fuel blends and gasoline, and standards for testing methods of the chemical composition of gases by mass spectrometry. (NAC 590.050-590.054, 590.065) **Sections 2-6 and 8** of this regulation update the costs for which the printed standards are available from the publisher. **Section 8** also deletes certain standards relating to gasoline which have expired by limitation.

Existing regulations require pumps or other devices which dispense diesel fuel oil to display the grade of the diesel fuel oil. (NAC 590.050) **Section 2** amends this requirement to clarify that such a posting need not include the designation of ultra low sulfur diesel.

Existing regulations establish standards for determining the octane rating of gasoline and require the posting of those ratings. (NAC 590.059, 590.061) **Section 7** of this regulation establishes the minimum octane rating number for gasoline and gasoline and ethanol blends sold outside a certain area of this State.

Section 1. NAC 590.015 is hereby amended to read as follows:

590.015 A manufacturer, packer, seller or distributor of antifreeze shall pay ~~an inspection~~ *a license* fee of ~~[\$50]~~ **\$100** for each brand of antifreeze submitted to the State Sealer of Consumer Equitability ~~for inspection~~ pursuant to NRS 590.380 ~~[,]~~, *as amended by section 204 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3640.*

Sec. 2. NAC 590.050 is hereby amended to read as follows:

590.050 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 ~~[Volume 05-01, "Petroleum Products and Lubricants," of]~~ the ~~[2010]~~ *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 ~~[\$59.]~~ **\$64.**

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

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

(a) Dispensed from a pump or other device for dispensing the diesel fuel oil 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 oil must be posted on the label of that vehicle as required pursuant to NRS 590.040.

4. 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.

Sec. 3. 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 *most recent version of the* following standards for biodiesel and diesel fuel set forth in ~~[Volumes 05.01, 05.03 and 05.04, "Petroleum Products and Lubricants,"~~ of the ~~[2010]~~ *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)"; and

(c) ASTM D975, "Standard Specification for Diesel Fuel Oils."

↪ 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 ~~[\$41,]~~ \$44, the price of ASTM D7467 is ~~[\$47]~~ \$64 and the price of ASTM D975 is ~~[\$59,]~~ \$64.

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.

Sec. 4. NAC 590.052 is hereby amended to read as follows:

590.052 1. The State Board of Agriculture hereby adopts by reference *the most recent version of* ASTM D5797, "Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines," as set forth in ~~[Volume 05.02, "Petroleum Products and Lubricants," of the {2010}]~~ *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 ~~[\$47.]~~ **\$50.**

Sec. 5. NAC 590.053 is hereby amended to read as follows:

590.053 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 ~~[Volume 05.02, "Petroleum Products and Lubricants," of]~~ the ~~[2010]~~ *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 ~~[\$41.]~~ **\$44.**

Sec. 6. NAC 590.054 is hereby amended to read as follows:

590.054 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 ~~[Volume 05.01, "Petroleum Products and Lubricants," of]~~ the ~~[2010]~~ *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 ~~[\$41.]~~ \$44.

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.

Sec. 7. NAC 590.061 is hereby amended to read as follows:

590.061 1. The State Board of Agriculture hereby adopts by reference the antiknock index for testing the octane rating of gasoline that is defined in *the most recent version of* ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," adopted by reference pursuant to NAC 590.065.

2. Gasoline that is brought into this State for delivery to a person in this State must have an octane rating number which is determined by the antiknock index method described in subsection 1.

3. *Gasoline and any blend of gasoline and ethanol that is sold outside 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 have an octane rating number of 87 or more.*

4. A person who transfers fuel to a person in this State, other than the consumer of the fuel, shall provide a proof of transfer to the person receiving the fuel. The proof of transfer must be:

- (a) A delivery ticket;
- (b) An invoice;
- (c) A bill of lading;
- (d) A bill of sale;
- (e) A terminal ticket; or
- (f) Any other proof of transfer that is approved by the State Board of Agriculture.

~~[4.]~~ 5. The proof of transfer must contain:

- (a) The name of the person making the transfer;
- (b) The name of the person to whom the fuel is transferred;
- (c) The date of the transfer; and
- (d) If the fuel is gasoline, the octane rating number of the gasoline.

~~[5.]~~ 6. The person receiving the fuel must keep a copy of the proof of transfer at the location at which the fuel was received for not less than 30 days after the date of the delivery of the fuel. After that period, the proof of transfer must be retained at any location for not less than 1 year after the date of the delivery of the fuel and be made available to the State Department of Agriculture upon request.

~~{6.}~~ 7. 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.

Sec. 8. 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 *the most recent version of* ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," contained in ~~{Volume 05.02, "Petroleum Products and Lubricants," of}~~ the ~~{2010}~~ *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 ~~{~~\$59.~~~~ **\$64.**

2. 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.

3. Except as otherwise provided in subsection ~~{5.}~~ **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. ~~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.~~

~~5.]~~ 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.

~~6.]~~ 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.

~~7.]~~ 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.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(LCB File R094-15)

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

- There are three separate actions being proposed to amend NAC 590. One involves the updating or removal of language that has become outdated. The second loosens labeling requirements for diesel dispensers. The third, setting a minimum octane rating will have a minor effect on small businesses, and is being pursued in the interest of the marketplace and the consumers of the state of Nevada. The regulations were available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

Department of Agriculture

405 S. 21st Street

Sparks, NV 89431

Department of Agriculture

2300 McLeod Street

Las Vegas, NV 89104

Department of Agriculture

4780 E. Idaho Street

Elko, NV 89801

2. The manner in which the analyses was conducted.

- No analyses was conducted for the reasons stated above in the answer to Question 1.

3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:

- Only the action to set a minimum octane rating will have any economic effect, and this will be minor and shortlived.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

- Does not apply.

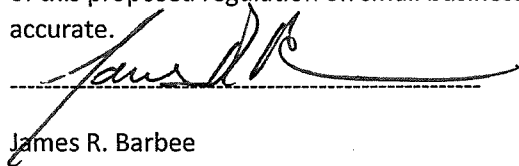
5. The estimated cost to the agency for enforcement of the proposed regulation.

- Does not apply.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

- Does not apply.
- 7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**
- Does not apply.
- 8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
- This regulation will affect only a very small number of businesses, and will be a minor expense for those affected.

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.

A handwritten signature in black ink, appearing to read "James R. Barbee", is written over a horizontal dashed line.

James R. Barbee

Director

Nevada Department of Agriculture