

## CHAPTER 38 - STANDARDS DIVISION

### SECTION .0100 - PURPOSE AND DEFINITIONS

#### 02 NCAC 38 .0101 PURPOSE

The Standards Division protects buyers and sellers against misrepresentation of quantities by providing uniform standards for weights and measures, by inspecting all commercial weighing and measuring devices, and by inspecting packaged commodities to ensure that they are in compliance with the labeled net contents statement; and performs safety inspections of LP-Gas and anhydrous ammonia installations and vehicles to ensure that they are in compliance with established safety codes. In addition, the Standards Division enforces the rules and regulations of the North Carolina Gasoline and Oil Inspection Board (02 NCAC 42).

*History Note:* Authority G.S. 81A-1;  
Eff. May 1, 1983;  
Amended Eff. June 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### 02 NCAC 38 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "A.N.S.I." means the American National Standards Institute, Inc.
- (2) "Basket" as used in 02 NCAC 38 .0500 means any container, sheet, or box used in tobacco auction warehouses.
- (3) "Board" means the North Carolina Board of Agriculture.
- (4) "Condemned Equipment" means equipment that is permanently out of service.
- (5) "Director" or "Director of Weights and Measures" means the Director of the Standards Division of the North Carolina Department of Agriculture.
- (6) "N.I.S.T." means the National Institute of Standards and Technology.
- (7) "N.C.W.M." means the National Conference on Weights and Measures.
- (8) "Rejected Equipment" means equipment that is incorrect, which is considered susceptible of proper repair.
- (9) "Weight(s) and/or Measure(s)" means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

*History Note:* Authority G.S. 81A-1;  
Eff. May 1, 1983;  
Amended Eff. January 1, 1990; June 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### SECTION .0200 - APPROVAL OF WEIGHING AND MEASURING DEVICES

#### 02 NCAC 38 .0201 ADOPTION BY REFERENCE

The board hereby adopts by reference, including subsequent amendments and editions, NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" except as otherwise indicated in this Chapter.

Copies of the above are available for inspection in the Office of the Director of the Standards Division and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

*History Note:* Authority G.S. 81A-2; 150B-21.6  
Eff. May 1, 1983;  
Amended Eff. January 1, 1990; June 1, 1988; April 1, 1987; May 1, 1986;  
Readopted Eff. March 1, 2017.

#### 02 NCAC 38 .0202 WEIGHING AND MEASURING DEVICES

The requirements of NIST Handbook 44 shall apply as follows:

- (1) To commercial weighing and measuring equipment; that is, weights and measures and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure;
- (2) To any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device; and
- (3) To weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

*History Note:* Authority G.S. 81A-2;  
Eff. May 1, 1983;  
Amended Eff. January 1, 1990;  
Readopted Eff. March 1, 2017.

#### **02 NCAC 38 .0203 TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES**

(a) Each type or model or pattern or design of weight or measure or weighing or measuring device intended for use in trade in this state, generally known as commercial use, shall first be submitted or demonstrated by the manufacturer for the purpose of approval, and be approved by the Director of the Standards Division at Raleigh, North Carolina, or such other place as agreed upon, in accordance with National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The expense incurred in obtaining approval shall be borne by the manufacturer in accordance with G.S. 81A-10.

(b) The Director may accept in lieu of the requirement in (a) of this Rule, a Certificate of Conformance issued by the National Conference of Weights and Measures.

*History Note:* Authority G.S. 81A-2;  
Eff. May 1, 1983;  
Amended Eff. February 1, 2009; January 1, 1990; May 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 38 .0204 RECORD OF APPROVED WEIGHING AND MEASURING DEVICES**

The Director of Weights and Measures shall keep an accurate record and list of names of manufacturers, name, type or model of device, apparatus or equipment approved.

*History Note:* Authority G.S. 81A-1; 81A-15;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 38 .0205 REPAIRS TO REJECTED WEIGHING DEVICES**

In order that a scale or weighing device which has been rejected for repairs by a duly authorized weights and measures inspector may be put back into service after having been serviced by a registered scale technician, the Director of Weights and Measures is hereby authorized to grant permission for the renewed use of such equipment provided:

- (1) That the technician rendering service shall have sealed the rejection notice in an envelope;
- (2) That the envelope bears the name, address, and registration number of the scale technician, date service was rendered, type of service rendered and signature of scale technician.

*History Note:* Authority G.S. 81A-2; 81A-76;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

## SECTION .0300 - PACKAGE AND LABELING REQUIREMENTS

### 02 NCAC 38 .0301 ADOPTION BY REFERENCE

The following are adopted by reference, including subsequent amendments and editions, as standards for packaging and labeling and for determining compliance of packaged goods with net contents labeling requirements:

- (1) NIST Handbook 130, "Packaging and Labeling Regulation," with the exception of Sections 13, 14, and 15 of the "Packaging and Labeling Regulation" which are deleted; and
- (2) NIST Handbook 133, "Checking the Net Contents of Packaged Goods".

Copies of Handbook 130 and Handbook 133 are available for inspection in the Office of the Director of the Standards Division and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

*History Note:* Authority G.S. 81A-4; 150B-21.6;  
Eff. May 1, 1983;  
Amended Eff. January 1, 1990; December 1, 1988; June 1, 1988; April 1, 1987;  
Readopted Eff. March 1, 2017.

### 02 NCAC 38 .0302 DOCUMENT AVAILABILITY

*History Note:* Authority G.S. 81A-4; 150B-14;  
Eff. May 1, 1983;  
Amended Eff. June 1, 1984;  
Repealed Eff. October 1, 1987.

## SECTION .0400 - METHOD OF SALE OF COMMODITIES

### 02 NCAC 38 .0401 ADOPTION BY REFERENCE

The Board hereby adopts by reference including subsequent amendments and editions the NIST Handbook 130, "Method of Sale of Commodities Regulation" with the following additions and exceptions:

- (1) The preferred method for measuring fireplace and stove wood is by the cord or fractional parts of a cord. However, nothing in Section 2.4, "Fireplace and Stove Wood," shall be construed as preventing the purchaser and seller of fireplace or stove wood from agreeing on a quantity other than a cord or fractional parts of a cord.
- (2) Section 2.20, "Gasoline-Oxygenate Blends" is deleted.
- (3) Section 2.19. shall apply only to kerosene sold in a container or kerosene sold through a retail device. In addition, a container or a device shall indicate for 1-K kerosene "SUITABLE FOR USE IN UNVENTED HEATERS" and for 2-K kerosene "MAY NOT BE SUITABLE FOR USE IN UNVENTED HEATERS".
- (4) In Section 2.21., the temperature compensation requirements shall not be mandatory. However, if a company elects to sell liquefied petroleum gas on a temperature compensated basis, then all meters in the truck fleet shall be equipped with an activated automatic temperature compensator that shall remain in continuous operation for a period of not less than one year.
- (5) The price for propane dispensed into containers of less than 240 pounds water capacity may be on a minimum price basis provided that the seller displays the minimum price at the point of container fill and the point of sale. This Rule shall not apply to propane container exchange sales where an empty or partially empty container is exchanged for a full one.
- (6) Any variety of potatoes, defined as edible tubers in Section 2.3.2 of the NCWM Policy Interpretations and Guidelines section may also be sold by count providing they meet corresponding standard of "US Grade No. 1" as found in the most current version of the United States Department of Agriculture (USDA) "United States Standards for Sweet Potatoes" or the USDA "United States Standards for Potatoes," as appropriate. Any commercial shipping boxes or other containers, shipping documents and invoices shall be marked as "US Grade No. 1" potatoes.

Copies of NIST Handbook 130, "Method of Sale of Commodities Regulation" are available for inspection in the Office of the Director of the Standards Division and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>. Copies of the "United States Standards for Sweet Potatoes" and

"United States Standards for Potatoes" are available for free at <http://www.ams.usda.gov/grades-standards/vegetables>.

*History Note:* Authority G.S. 81A-4;  
Eff. May 1, 1983;  
Amended Eff. June 1, 1994; January 1, 1990; December 1, 1988; June 1, 1988;  
Readopted Eff. March 1, 2017;  
Amended Eff. July 1, 2019.

## **02 NCAC 38 .0402 DOCUMENT AVAILABILITY**

*History Note:* Authority G.S. 81A-4; 150B-14;  
Eff. May 1, 1983;  
Amended Eff. April 1, 1985; June 1, 1984;  
Repealed Eff. June 1, 1988.

## **SECTION .0500 - LEAF TOBACCO**

### **02 NCAC 38 .0501 TOBACCO OFFERED FOR SALE**

When leaf tobacco is placed on the floor of a leaf tobacco auction warehouse in a line or row according to custom in said warehouse, preceding the actual sale, such act on the part of any person, firm, or corporation shall be construed as offering the tobacco for sale, and that the tobacco is offered for sale and thus becomes subject to the conditions set forth in G.S. 81A-59.

*History Note:* Authority G.S. 81A-2; 81A-4;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 38 .0502 BASKETS**

No basket shall be used in a tobacco auction warehouse which deviates from the established average weight by a weight in excess of one pound either over or under. The average weight shall be established by weighing 100 baskets, picked at random, and this weight divided by 100. The said average basket weight shall be posted on the scale or scale house in a plain and conspicuous place. Any and every basket in said warehouse which does not conform to this requirement shall be moved from the premises or destroyed by the operators of the warehouse. Each warehouse shall be equipped with a metal test weight which shall be equal in weight to the established and posted average weight of basket. Said test weight shall be used by the weighmaster in making allowance for the basket when setting total tare on tare beams of scale and thereby protect himself in the issuing of weight certificate provided in G.S. 81A-53.

*History Note:* Authority G.S. 81A-2; 81A-4; 81A-15(9);  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 38 .0503 WAREHOUSE TRUCKS**

*History Note:* Authority G.S. 81A-2; 81A-4;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule Expired April 1, 2015.

### **02 NCAC 38 .0504 WEIGHING**

All tobacco weighed in a tobacco warehouse for the purpose of sale shall be weighed accurately to the nearest one pound.

*History Note:* Authority G.S. 81A-2; 81A-4; 81A-15(9);

*Eff. May 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**02 NCAC 38 .0505 VARIATIONS IN WEIGHT**

A tolerance not exceeding two pounds on each basket of tobacco weighing not more than 175 pounds, and a tolerance of four pounds on each basket of tobacco weighing more than 175 pounds shall be considered a reasonable variation in weight; provided, however, such variation shall be allowable only when supported by the facts in each case and applicable to each individual basket of tobacco; and further provided that in no case shall any allowance be made for variation in weight on basket erroneously weighed or illegally packed; and also provided that consistent short weights on baskets peculiar to any warehouse on a given market shall raise a presumption of erroneous weighing.

*History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9);*  
*Eff. May 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**02 NCAC 38 .0506 CLAIMS: REWEIGHING**

*History Note: Authority G.S. 81A-2; 81-4;*  
*Eff. May 1, 1983;*  
*Repealed Eff. June 1, 1984.*

**02 NCAC 38 .0507 VIOLATIONS**

Any weighmaster, or any custodian, or any employee of the custodian, who takes or attempts to take advantage of these variations or tolerance in the issuing of a weight certificate, or in the setting of tare beam on scale when making allowances for weight of truck and average weight of basket, or by removing or permitting or causing to be removed tobacco from any basket or pile, shall forfeit his or its right to the benefit of any of the variations or tolerance provided for in this Regulation and shall be guilty of misrepresenting the quantity in fact and shall be subject to penalties as set forth in Section 81A-29 and Section 81A-55 of the General Statutes.

*History Note: Authority G.S. 81A-2; 81A-4;*  
*Eff. May 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**02 NCAC 38 .0508 CUSTODIAN OF TOBACCO**

It shall not be construed that these variations and tolerance do in any way relieve the custodian of the tobacco of his responsibility or liability as referred to in G.S. 81A-58.

*History Note: Authority G.S. 81A-2; 81A-4;*  
*Eff. May 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**SECTION .0600 - SALE OF PETROLEUM PRODUCTS**

**02 NCAC 38 .0601 RETAIL MOTOR FUEL DISPENSERS/HALF-PRICING**

- (a) All retail motor fuel dispensing outlets shall sell motor fuel by the full price per unit as stated in NIST Handbook 130 method for that fuel type.
- (b) Retail motor fuel dispensing outlets shall not sell motor fuel by the half-price per gallon method.

*History Note: Authority G.S. 81A-2;*  
*Eff. May 1, 1983;*  
*Amended Eff. February 1, 2009;*

*Readopted Eff. March 1, 2017.*

**02 NCAC 38 .0602 METRIC SALES OF RETAIL MOTOR FUEL**

At those locations that dispense motor fuel by the liter, the following provisions shall apply:

- (1) All streets, roadside, and similar advertising signs shall provide price per gallon information for all products for which prices are posted on said signs. Signs shall show complete dollar and cents numerals and they shall be clearly legible. Signs showing the equivalent price per liter may also be used. If a price per liter is also posted, it shall be adjacent to the gallon price.
- (2) Current and accurate price comparisons between gallon and liter values shall be posted by one of the following methods:
  - (a) a sign on the top of dispensers, positioned for easy view by the customer, and with values visible from either side of the island; or
  - (b) a decal affixed to each dispenser and positioned for easy view by the customer.
- (3) Equivalent quantity information shall also be posted on a sign that is positioned for easy view by the customer. This information may be posted on the same sign or decal described in Paragraph (2) of this Regulation.
- (4) The sign(s) or decal described in Paragraphs (2) and (3) of this Regulation shall be composed of letters and numerals of at least three-fourths inch in height.

**Note: (1):** (The following example pertains to Paragraph (2) of this Regulation.) 27.1 cents per liter = \$1.026 per gallon.

**Note: (2):** (The following example pertains to Paragraph (3) of this Regulation.) 3.785 liters = 1 gallon.

*History Note: Authority G.S. 81A-2; 81A-23;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**02 NCAC 38 .0603 PRICE AND VOLUME CONSISTENCY**

All retail motor fuel pumps at the same facility shall calculate price by the same method and volume by the same measure.

*History Note: Authority G.S. 81A-2; 81A-22; 81A-23;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

**02 NCAC 38 .0604 PRICE POSTING/CASH DISCOUNTS FOR RETAIL MOTOR FUEL SALES**

- (a) If any condition or qualification is required to purchase fuel at the posted price, that condition or qualification shall be posted in conjunction with the advertised price.
- (b) At those locations where separate dispensers or islands are established for credit card and cash sales, the dispensers or islands shall be identified to avoid customer confusion.
- (c) At those locations where the same dispenser is used for cash and credit card sales, the following apply:
  - (1) If the dispenser is capable of computing only one price, then the dispenser shall be set at the highest unit price and the unit discount rate (either per gallon, percentage, or per gallon credit price) shall be displayed. A receipt shall contain the total volume of the delivery, the unit price, the total computed price, an itemization of the discounts to the unit price, and the final total price;
  - (2) If the dispenser is capable of computing both cash and credit sales, either the credit surcharge rate (either per gallon, percentage, or per gallon credit price) or the cash discount rate (either per gallon, percentage, or per gallon price) shall be displayed; and
  - (3) The location must indicate whether "debit" transactions are treated as cash or credit transactions. Labels such as "cash/debit," "debit=cash," or "credit/debit" are acceptable.

*History Note: Authority G.S. 81A-2; 81A-23;  
Eff. May 1, 1983;  
Amended Eff. October 1, 2011; December 1, 1987;  
Readopted Eff. March 1, 2017.*

## SECTION .0700 - STANDARDS FOR STORAGE, HANDLING AND INSTALLATION OF LP GAS

### 02 NCAC 38 .0701 ADOPTION BY REFERENCE

The following are incorporated by reference, including subsequent amendments and editions, as standards for storage, handling and installation of liquefied petroleum gas:

- (1) National Fire Protection Association, document NFPA 58 "Liquefied Petroleum Gas Code," with the following additions and exceptions:
  - (a) "Firm Foundation" means that the foundation material has a level top surface, rests on solid ground, is constructed of a masonry material or wood treated to prevent decay by moisture rot, and will not settle, careen or deteriorate;
  - (b) No person shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in spray guns or other pressure operated equipment, except that liquefied petroleum gas may be used as a source of pressure for operating internal valves and emergency shutoff valves;
  - (c) Piping, tubing, or regulators shall be considered well supported when they are rigidly fastened in their intended position;
  - (d) At bulk storage installations, the bulkhead and the plant piping on the hose side of the bulkhead shall be designed and constructed so that an application of force from the hose side will not result in damage to the plant piping on the tank side of the bulkhead. In addition, the bulkhead shall incorporate a means, for instance, mechanical or pneumatic, to automatically close emergency valves in the event of a pull away;
  - (e) As an alternative to the requirement for a fire safety analysis, the owner, or his designee, of an LP-gas facility which utilizes individual storage containers in excess of 4,000 gallons water capacity, storage containers interconnected through the liquid withdrawal outlets of the containers with an aggregate water capacity in excess of 4,000 gallons, or storage containers interconnected through the vapor withdrawal outlets of the containers with an aggregate capacity in excess of 6,000 gallons, shall, for all installations of containers of such capacity or for additions to an existing LP-gas facility which result in containers in excess of such capacity, meet with fire officials for the jurisdiction in which the facility is located in order to:
    - (i) review potential exposure to fire hazards to or from real property which is adjacent to such facility;
    - (ii) identify emergency access routes to such facility; and
    - (iii) review the equipment and emergency shut-down procedures for the facility.The owner of such facility or his designee shall document in writing the time, date and place of such meeting(s), the participants in the meeting, and the discussions at the meeting in order to provide a written record of the meeting. This documentation shall be made available to the Department not later than 60 days after installation of the new or additional containers. Compliance with the availability requirement shall be met by having a copy of the documentation kept on site or at the owner's office and available for review by NCD&CS inspection personnel as soon as it is requested. This meeting, review, and documentation shall be repeated when the North Carolina Department of Agriculture and Consumer Services determines that the plant design has changed or that potential exposures have significantly changed, so as to increase the likelihood of injury.
  - (f) An LP-gas facility which utilizes storage containers that are interconnected through the vapor withdrawal outlets of the containers only with an aggregate water capacity in excess of 4,000 gallons, but not in excess of 6,000 gallons, is exempt from the requirements of a fire safety analysis; and
  - (g) A fire safety analysis as described in NFPA 58 may be prepared by the owner of an LP-Gas facility or by an employee of such owner in the course of the employee's employment, and the Department shall not require that it be prepared, approved, or sealed by a professional engineer. Note: This is in keeping with a formal interpretation (F.I. No.: 58-01-2) by the technical committee for Liquefied Petroleum Gases issued by the National Fire Protection Association on November 7, 2001, with an effective date of November 27, 2001. However, the North Carolina Board of Examiners for Engineers and

Surveyors regulates the practice of engineering, and has taken the position that the preparation of a fire safety analysis constitutes the practice of engineering.

- (2) National Fire Protection Association document NFPA 54, "National Fuel Gas Code," with the addition that underground service piping shall rise above ground immediately (within six inches of wall) before entering a building.
- (3) National Fire Protection Association, document NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages," Chapter 12 (in 2008 Edition) as it applies to LP-Gas dispensers for motor vehicle fuel along with dispensers for other motor vehicle fuels.

Copies of NFPA 54, NFPA 58 and NFPA 30A are available for inspection in the Office of the Director of the Standards Division. They may be obtained at a cost of fifty-four dollars and fifty cents (\$54.50) each for NFPA 54 and NFPA 58 and for forty-two dollars (\$42.00) for NFPA 30A (March 2014 prices), plus shipping, by contacting National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269, by calling them at 617-770-3000 or 800-344-3555, or by accessing them on the Internet at [www.nfpa.org/catalog](http://www.nfpa.org/catalog).

*History Note:* Authority G.S. 119-55;  
Eff. May 1, 1983;  
Amended Eff. November 1, 2011; April 1, 2009; September 1, 2002; August 1, 2002; January 1, 1994; June 1, 1993; December 1, 1988; December 1, 1987;  
Readopted March 1, 2017.

#### **02 NCAC 38 .0702 METERS ON TANK TRUCKS**

All tank trucks delivering through liquid meters into storage tanks or containers or cylinders shall be equipped with a device which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

*History Note:* Authority G.S. 119-55;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 38 .0703 LP GAS INSPECTION REPORT**

Upon inspection pursuant to G.S. 119-57, a notice of violations shall be given to the violator. The notice shall include but is not limited to repairs necessary to eliminate the violation(s) and a date by which repairs shall be made by the violator. An extension of time for repair is at the discretion of the Director of the Standards Division, upon written request.

*History Note:* Authority G.S. 119-55;  
Eff. May 1, 1983;  
Amended Eff. June 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 38 .0704 APPROVED THIRD PARTY TESTING LABORATORIES**

In accordance with G.S. 119-58(a)(1), third party testing laboratories accredited by the North Carolina Building Code Council are accepted for approving gas appliances that are designed or built for domestic use.

*History Note:* Authority G.S. 119-58;  
Eff. July 1, 1985;  
Amended Eff. December 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 38 .0705 NOTIFICATION FOR DISCONNECTION OF SERVICE**

(a) This Rule contains additional standards relating to the requirements for disconnection of service contained in G.S. 119-58(b).

(b) To "notify the former supplier before disconnecting the former service and connecting the new service," as required by G.S. 119-58(b), means that the new supplier shall provide the former supplier with written notice containing the new supplier's name, address and telephone number, the consumer's name and address, and stating the date and time after which service is to be disconnected. The notice may be sent by mail, overnight mail, facsimile, email, or by hand-delivery, so long as it is received prior to the disconnection of the former service.

*History Note:* Authority G.S. 119-55; 119-58;  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;  
Amended Eff. May 1, 2022.

## **SECTION .0800 - LIQUID FERTILIZERS**

### **02 NCAC 38 .0801 ADOPTION BY REFERENCE**

The board hereby adopts the American National Standard, "Safety Requirements for the Storage and Handling of Anhydrous Ammonia", 1981 edition, (ANSI k61.1-1981), as published by the American National Standards Institute, Inc.

Copies from this Rule are available for inspection in the Office of the Director of the Standards Division and may be obtained by contacting the publisher at the following address: American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

*History Note:* Authority G.S. 106-660; 150B-14;  
Eff. May 1, 1983;  
Amended Eff. June 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 38 .0802 APPROVAL FOR ANHYDROUS AMMONIA INSTALLATIONS**

Plans for fixed (stationary) anhydrous ammonia installations shall be submitted to the Commissioner of Agriculture or his designated representative and approved before the installation is started.

*History Note:* Authority G.S. 106-660;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 38 .0803 METERS FOR LIQUID FERTILIZERS**

When a meter is used to measure liquid fertilizer, said meter shall be approved in accordance with 2 NCAC 38 .0200. In addition, meters used to measure liquid fertilizer shall be equipped with a device which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

*History Note:* Authority G.S. 106-660;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 38 .0804 USE OF APPLICATOR TANKS AS MEASURING DEVICES**

When a cylindrical applicator tank is used as a measuring device in the distribution of liquid fertilizer, it shall be calibrated by liquid measure from zero to capacity with zero indicating empty. There shall be a graduation scale on each end of the applicator tank located at a distance of not more than 1/16 of an inch away from the sight glass or tube. The value of graduated intervals shall not exceed:

- (1) one gallon for a tank of a nominal capacity of 300 gallons or less;
- (2) five gallons for a tank of a nominal capacity of 301 gallons or more.

*History Note:* Authority G.S. 106-660;  
Eff. May 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,  
2015.