

CHAPTER 42 - GASOLINE AND OIL INSPECTION BOARD

SECTION .0100 - PURPOSE AND DEFINITIONS

02 NCAC 42 .0101 PURPOSE AND ORGANIZATION

The Gasoline and Oil Inspection Board establishes the minimum quality standards of liquid fuel products offered for sale, sold, or delivered in North Carolina, mandates proper labeling of liquid fuel products and registers motor fuels.

*History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 42 .0102 DEFINITIONS

Except as otherwise defined in Chapter 119, North Carolina General Statutes, the definitions applicable in this Chapter are as follows:

- (1) "ASTM" means ASTM International.
- (2) "Approved lead substitute" means an EPA registered gasoline additive formulated to reduce valve seat recession in engines designed to operate on leaded gasoline.
- (3) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D 6751.
- (4) "Biodiesel Blend" means a blend of biodiesel meeting ASTM D 6751 with petroleum-based diesel fuel meeting ASTM D 975 or fuel oil meeting ASTM D 396 and designated BXX, where XX represents the volume percentage of biodiesel in the blend.
- (5) "Board" means the Gasoline and Oil Inspection Board.
- (6) "Cetane number" means the relative ignition quality of diesel fuels by the ASTM Cetane Method D 613.
- (7) "Denatured fuel ethanol" means ethanol meeting the provisions of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol to be Blended with Gasolines for Use as an Automotive Spark-Ignition Engine Fuel."
- (8) "Director" means the Director of the Standards Division of the North Carolina Department of Agriculture and Consumer Services.
- (9) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.
- (10) "E85" means a petroleum product that is a blend of denatured ethanol and gasoline or natural gasoline of which the ethanol portion is nominally 70 to 85 percent ethanol by volume and meeting the requirements of ASTM D 5798.
- (11) "EPA" means the United States Environmental Protection Agency.
- (12) "Leaded" means any gasoline or gasoline-oxygenate blend which contains more than 0.05 gram lead per U.S. gallon (0.013 gram lead per liter) or contains an approved lead substitute which provides a lead equivalency of at least 0.10 gram lead per U.S. gallon (0.026 gram per liter).
- (13) "Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons or mixtures of same: propane, propylene, butanes (normal or iso-butane), and butylenes.
- (14) "Motor Octane Number" means the number describing the relative anti-knock characteristic of a motor fuel determined by ASTM Motor Method (D 2700).
- (15) "NCWM" means the National Conference on Weights and Measures.
- (16) "NIST" means the National Institute of Standards and Technology.
- (17) "Octane Index" means the number obtained by adding the research octane number and the motor octane number and dividing the sum by two.
- (18) "Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in that gasoline, and which has been approved by EPA for use in gasoline.
- (19) "Premium Diesel" means a refined middle distillate petroleum product that meets the specifications of ASTM D 975 and NIST Handbook 130, Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation, section 2.2.1.

- (20) "Qualitative word or term" means any word or term used in a brand name which by definition or customary usage indicates a level of quality, classification, grade, or designation.
- (21) "Regular" when used as part of a brand name or as a grade designation for gasoline or gasoline-oxygenate blend shall be construed to mean an unleaded regular grade commercial automotive gasoline or gasoline-oxygenate blend.
- (22) "Renewable Diesel Fuel" means a fuel which is not a mono-alkyl ester; meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act; is intended for use in engines that are designed to run on conventional, petroleum derived diesel fuel; is derived from nonpetroleum renewable resources including, but not limited to, vegetable oil, animal wastes, including poultry fats and poultry wastes, and other waste materials, or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and meets the latest version of ASTM specification D 975.
- (23) "Research Octane Number" means the number describing the relative anti-knock characteristic of a motor fuel determined by ASTM Research Method (D 2699).
- (24) "Retail" means the sale or offering for sale of gasoline to the ultimate consumer for use in a motor vehicle.
- (25) "Substantially Similar" rule means the United States Environmental Protection Agency's "Substantially Similar" rule, Section 211 (f) (1) of the Clean Air Act [42 U.S.C. 7545 (f) (1)].
- (26) "Terminal" means a facility at which gasoline is dispensed into trucks for transportation to retail outlets or wholesale purchaser-consumer facilities.
- (27) "Unleaded" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.05 gram lead per U.S. gallon (0.013 gram lead per liter) and not more than 0.005 gram phosphorus per U.S. gallon (0.0013 gram phosphorus per liter).

History Note: Authority G.S. 119-26; 119-26.1;
 Eff. December 1, 1981;
 Amended Eff. July 1, 2008; September 1, 1992; May 1, 1990; April 1, 1989; June 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0103 ADOPTION BY REFERENCE
02 NCAC 42 .0104 RULE MAKING AND ADMINISTRATIVE PROCEDURES

History Note: Authority G.S. 106-2; 106-4; 106-12; 106-22; 119-26; 150B-62;
 Eff. December 1, 1981;
 Repealed Eff. November 1, 1983.

SECTION .0200 - QUALITY OF LIQUID FUEL PRODUCTS

02 NCAC 42 .0201 STANDARD SPECIFICATIONS

(a) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following modifications:

- (1) applications for temporary exceptions to vapor pressure and vapor-liquid ratio specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;
- (2) the minimum lead content for gasoline registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;
- (3) vapor pressure and vapor-liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new

stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.

(b) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for alcohol blends with the following modifications:

- (1) a vapor pressure tolerance not exceeding one pound per square inch (1 psi) for ethanol blends of 9 percent to 15 percent by volume;
- (2) vapor pressure seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification;
- (3) applications for temporary exceptions to vapor pressure specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;
- (4) the minimum temperature at 50 percent evaporated shall be 150 degrees F (66 degrees C) as determined by ASTM Test Method D 86 for ethanol blends of 1 percent to 15 percent by volume;
- (5) the minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;
- (6) octane rating shall not be less than the octane index certified on the brand name registration as required by 02 NCAC 42 .0500;
- (7) all blends, both leaded and unleaded, shall be blended according to the EPA "Substantially Similar" rule found in the Clean Air Act, CAA Section 211(f)(1)(B), or an EPA waiver for unleaded fuel;
- (8) water tolerance shall be such that no phase separation occurs when subjected to a temperature equal to the temperatures specified in the table for "Maximum Temperature for Phase Separation, C," ASTM D 4814;
- (9) the vapor-liquid ratio specification shall be waived for ethanol blends of up to 10 percent.

(c) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 975, "Standard Specification for Diesel Fuel Oils" as standard specification for diesel motor fuels and renewable diesel fuels with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D 56 shall be 115 degrees F (46 degrees C).

(d) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 396, "Standard Specification for Fuel Oils" as standard specification for fuel oils and blends of biodiesel and fuel oil.

(e) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 3699, "Standard Specification for Kerosene" as standard specification for kerosenes with the following modification: For grade 2-K, the presence or absence of coloring matter shall in no way be determinative of whether a substance meets the requirements of this grade of kerosene.

(f) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 6751, "Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels" as standard specification for biodiesel (B100) and for B99 (a blend of 99 percent biodiesel and one percent petroleum diesel).

(g) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 5798, "Standard Specification for Ethanol Fuel Blends for Flexible Fuel Automotive Spark-Ignition Engines" as standard specification for Ethanol Flex Fuel.

(h) The Board hereby adopts by reference, including subsequent amendments and editions, NIST Handbook 130, "Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation," section 2.2.1 "Premium Diesel Fuel" as the standard specification of premium diesel fuels in addition to ASTM D 975. Copies of this document may be obtained at no cost from the NIST Web site - <https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2-1>

(i) In addition to meeting all specification requirements as set forth in this Rule, each fuel must be suitable for the intended use. Motor fuels shall not contain concentrations of methyl tertiary butyl ether (MTBE) in violation of G.S. 119-26.3.

(j) ASTM documents adopted by reference herein are available for inspection in the office of the Director of the Standards Division and may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West

Conshohocken, PA 19428-2959 or their Web site - www.astm.org, at the following cost for each document: D 396, fifty-eight dollars (\$58.00); D 975, seventy-five dollars (\$75.00); D 3699, fifty-two dollars (\$52.00); D 4814, seventy-five dollars (\$75.00); D 5798, fifty-two dollars (\$52.00); and D 6751 fifty-eight dollars (\$58.00).

History Note: Authority G.S. 119-26; 119-26.1;
Eff. December 1, 1981;
Amended Eff. September 1, 1992; May 1, 1990; March 1, 1989; June 1, 1987;
Temporary Amendment Eff. March 14, 2008;
Amended Eff. July 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. March 1, 2021.

02 NCAC 42 .0202 QUALITY OF MOTOR FUELS

- (a) A motor fuel shall be of the quality specifications as registered with the director.
- (b) If any quality specification is displayed on a dispenser or in any public location where motor fuel is sold and said specification exceeds the quality specifications registered, the displayed specification shall become the legal minimum for all motor fuels so labeled or advertised.
- (c) Any octane number or rating displayed shall be the octane index and no other number or rating.
- (d) All other specifications displayed must be identified by name or designation except that the octane index may be used as part of a brand name after compliance with 2 NCAC 42 .0500.

History Note: Authority G.S. 119-26; 119-27;
Eff. December 1, 1981;
Amended Eff. September 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0203 A.S.T.M. EMERGENCY SPECIFICATION

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Repealed Eff. November 1, 1984.

02 NCAC 42 .0204 INSPECTION FEE

For purposes of the inspection fee of G.S. 119-18, all products labeled as Number 1 fuel oil, and which meet the specifications for kerosene, the same shall be considered as kerosene.

History Note: Authority G.S. 119-16.1; 119-18; 119-26;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0300 - SALE OF GASOLINE

02 NCAC 42 .0301 GASOLINE SOLD UNDER LABEL NAME OR BRAND

- (a) All gasoline sold at wholesale or retail in North Carolina shall be sold under the label, name, or brand name under which the gasoline was first purchased for resale in North Carolina, except as provided in Paragraph (b) of this Rule.
- (b) The owner of any gasoline purchased for resale in North Carolina may sell such gasoline under a label, name, or brand other than that under which the gasoline was purchased provided that a Motor Fuel Brand Name Registration form is filed with the Director.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. July 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0302 EVIDENCE OF ORIGINAL PURCHASE

The invoice, bill of sale, bill of lading, terminal ticket, or other evidence of the original purchase of gasoline shall state the name and address of the seller and buyer, the date and time of sale, the label, name or brand under which it was sold and the number of gallons sold. All such evidence of original purchase shall be signed in ink or other indelible substance by the seller.

*History Note: Authority G.S. 119-26; 119-27;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

SECTION .0400 - DISPENSING DEVICES AND PUMPS

02 NCAC 42 .0401 LABELING OF DISPENSING DEVICES

(a) For the purpose of product identity, each dispensing device used in the retailing of any motor fuel shall, on the front panel of the dispenser and in plain view of the customer, be labeled with the following:

- (1) For gasoline, the registered brand name;
- (2) For diesel fuel, the registered brand name plus a descriptive or generic label if the registered brand name does not identify the type or grade of product;
- (3) For biodiesel and biodiesel blends, the registered brand name plus a descriptive or generic label if the registered brand name does not identify the type or grade of product;
- (4) For gasoline-oxygenate blends other than E85 fuel ethanol containing:
 - (A) At least one percent by volume of methanol, the registered brand name plus an additional label which states that the blend "contains methanol."
 - (B) Ten percent or less by volume of ethanol, the registered brand name plus an additional label which states that the blend "contains 10% ethanol," "may contain up to 10% ethanol," "contains 10% or less ethanol" or similar wording.
 - (C) Greater than 10 percent but no more than 15 percent by volume of ethanol, the registered brand name plus an additional label that states the blend "contains up to 15% ethanol," "contains between 10-15% ethanol," or similar wording.
 - (D) Greater than 15 percent but no more than 85 percent by volume of ethanol, the registered brand name plus an additional label which states the specific volume percentage of ethanol present in the blend such as "contains 30% ethanol."
- (5) For E85 fuel ethanol, the registered brand name.

(b) The additional labels required by Subparagraph (a)(4) of this Rule shall be composed of letters at least one inch in height, minimum one-eighth inch stroke, which contrast with the label background and shall be affixed to the dispenser front panel in a position conspicuous from the driver's position. Exceptions to the requirements in Subparagraph (a)(4) of this Rule are:

- (1) For fuels not covered by an EPA waiver, the additional label shall identify the percent by volume of ethanol or methanol in the blend; and
- (2) For fuels meeting the EPA's "Substantially Similar" rule and which do not contain methanol, no additional label is required.

(c) Each dispensing device used in the retailing of products other than motor fuel shall, on the front panel of the dispenser and in plain view of the customer, be labeled as follows:

- (1) Kerosene shall be labeled as either 1-K Kerosene or 2-K Kerosene. In addition, each dispenser shall contain one of the following legends as appropriate:
 - (A) On 1-K kerosene dispensers, the legend "Suitable For Use In Unvented Heaters"; or
 - (B) On 2-K kerosene dispensers, the legend "May Not Be Suitable For Use In Unvented Heaters"; and
- (2) Other products shall be labeled with either the applicable generic name or a brand name which identifies the type of product.

(d) When a motor fuel or other product provided for in this Section is offered for sale, sold, or delivered at retail in barrels, casks, cans, or other containers, each container shall be labeled in accordance with this Section and in accordance with 15 U.S.C. 1451 et. seq., the Fair Packaging and Labeling Act.

(e) If a dispenser is designed so that one or more hoses connected to a common housing dispense more than one type or grade of product, means shall be provided to indicate the identity of the product being dispensed from the hose.

History Note: Authority G.S. 119-27; 119-27.2;
Eff. December 1, 1981;
Amended Eff. June 1, 2012; July 1, 2008; August 1, 2002; June 1, 1987; December 1, 1985; November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0402 SIZE OF NOZZLE SPOUT FOR DISPENSING MOTOR FUELS
02 NCAC 42 .0403 GRAVITY OPERATED PUMPS
02 NCAC 42 .0404 MANIFOLD TANK TRUCK OUTLETS

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. February 1, 1982;
Repealed Eff. November 1, 1984.

SECTION .0500 - REGISTRATION AND BRANDING

02 NCAC 42 .0501 BRANDING AND REGISTRATION OF MOTOR FUELS

(a) All motor fuels offered for sale, sold, or delivered to a purchaser in this State shall be branded, and each and every brand name shall be registered with the Director on forms provided by the Director. The Director:

- (1) may require proof of compliance for any motor fuel which is subject to Federal waiver requirements or other applicable laws or regulations; and
- (2) may require any person desiring to register a motor fuel for which there exists no generally recognized classification, basic quality standards, or performance record, to submit, in writing, the following:
 - (A) certified test data and performance evaluations; and
 - (B) chemical and physical characteristics.

This information shall be submitted before an application for registration will be considered.

(b) Any brand name registration under this Section shall not supersede Federal or state trademark law or state brand name law.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. July 1, 2008; November 1, 1984; November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0502 OCTANE RANGE NUMBER OF COMMERCIAL GASOLINE

No number within the octane range of commercial gasolines shall be used as a prefix, suffix, or any part of a brand name, except aviation gasolines, unless the registered octane index is at least equivalent to said number.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0503 CETANE RANGE OF COMMERCIAL DIESEL FUELS

No number within the cetane range of commercial diesel fuels shall be used as a prefix, suffix, or any part of a brand name, unless the registered cetane number is at least equivalent to said number.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0504 REGISTRATION PROVISIONS

- (a) The director may decline to register any brand name containing a qualitative word or term inconsistent with any quality specification certified on the application for registration.
- (b) Any person who registered a brand name for a motor fuel and fails to or discontinues to sell or deliver the registered product shall notify the director within 60 days after registration or last invoice or delivery ticket. Failure to notify shall automatically terminate and cancel the registration of the brand name and the quality specifications.
- (c) The director may decline to register any brand name which actually or by implication would deceive or tend to deceive a purchaser as to the identity or the quality of the motor fuel.
- (d) Any denied application for registration may be appealed to the Board.
- (e) The director may establish and maintain a normal prevailing range of quality specifications of motor fuels for similar or customary classifications, grades, or designations of motor fuels intended for the same use or application. For automotive gasolines and gasoline/oxygenate blends, the minimum octane index shall be 87 except that for those designated as "Premium" or by a word or term of equivalent meaning, the minimum octane index shall be 91.
- (f) The director shall provide for amendments to registered specifications. Said amendments shall in no way limit liability for violation of these Regulations or G.S. 119-14 et. seq. prior to submission of said amendments.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. March 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0505 PROPANE AND BUTANE BRANDING

- (a) Commercial grade propane shall be branded and designated as "propane," and commercial grade butane shall be branded and designated as "butane."
- (b) Mixtures of butane and propane shall be branded and designated as "butane-propane mixtures."

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0600 - CONDEMNED MOTOR FUELS AND LIQUID FUELS

02 NCAC 42 .0601 NONCONFORMITY OF MOTOR FUELS

Whenever a motor fuel fails to conform with its registered specifications, all outlets to the container or tank shall be sealed, and the motor fuel shall not be removed or disposed of except as provided for in this Section.

History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0602 REMEDIES IN MOTOR FUELS

- (a) The owner of the condemned motor fuel may add a registered motor fuel of such quantity and quality to the condemned motor fuel to cause quality specifications of the condemned motor fuel to conform to its registered specifications so that said motor fuel may be offered for sale, sold, or delivered, provided this procedure is supervised by the director and is in accordance with G.S. 119-27.

(b) The owner may remove the condemned motor fuel from its container and blend it with a registered motor fuel so that the quality specifications of the blended motor fuel conform to or exceed the quality specifications of the brand with which it was blended, provided this procedure is supervised by the director and is in accordance with G.S. 119-27.

*History Note: Authority G.S. 119-26; 119-27;
Eff. December 1, 1981;
Amended Eff. November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 42 .0603 NONCONFORMITY OF LIQUID FUELS

Whenever a liquid fuel product other than motor fuel fails to conform to its required specifications, all outlets to the container or tank shall be sealed, and the liquid fuel shall not be removed or disposed of except as provided for in this Section.

*History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 42 .0604 REMEDIES IN LIQUID FUELS

The owner may remove the condemned liquid fuel from the container and blend it with other liquid fuel so that when blended, the quality of the blend will conform to the required specifications of the particular liquid fuel, provided this procedure is supervised by the director.

*History Note: Authority G.S. 119-26;
Eff. December 1, 1981;
Amended Eff. November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

SECTION .0700 - PETROLEUM DEVICE TECHNICIANS

02 NCAC 42 .0701 QUALIFICATIONS AND REQUIREMENTS

(a) Any person seeking to be a petroleum device technician shall make application to the director on forms provided by the director, supported by two letters of endorsement satisfactory to the director.

(b) Qualifications necessary for approved registration shall include:

- (1) Not less than one year of actual experience in the installation, maintenance, adjustment, calibration and repairing of liquid fuel pumps, meters, and other measuring devices;
- (2) Possession of calibrated test measures necessary for making repairs to a rejected liquid fuel pump, meter, or measuring device which shall consist of one or more of the following test measures as applicable: a five-gallon test measure calibrated in customary and metric units, five-gallon test measure, or a twenty liter test measure;
- (3) Certification that if registered, said person will test each pump, meter, or other measuring device which he repairs or adjusts with test measures which have been sealed by the director within the last 12 months, except for test measures for terminal meters which must have been sealed by the director within the last five years; and
- (4) Any other qualifications found necessary by the director.

(c) An approved registration by the director is subject to revocation for misrepresentation on the registration, incompetence or failure to render satisfactory service. Failure to render satisfactory service shall include failure to do the following:

- (1) Seal all adjustments with the lead or wire seal on which shall be impressed his identifying insignia and current year;
- (2) Seal all adjustments to as near a zero error in accuracy as possible;

- (3) Notify the director of the fact that he has repaired a rejected pump, meter, or other measuring device, giving the name of the owner, location, and date service was rendered on the same day repair or adjustment was completed.

History Note: Authority G.S. 119-26; 119-33;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 42 .0702 RE-REGISTRATION

A petroleum device technician shall complete the registration form of 2 NCAC 42 .0701 annually except the two letters of endorsement. Failure to re-register will result in termination of the registration and prohibit said person from exercising the duties of 2 NCAC 42 .0701.

History Note: Authority G.S. 119-26; 119-33;
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0800 - OXYGENATED GASOLINE

02 NCAC 42 .0801 PURPOSE AND APPLICABILITY

02 NCAC 42 .0802 OXYGEN CONTENT

02 NCAC 42 .0803 RECORD KEEPING AND TRANSFER REQUIREMENTS

02 NCAC 42 .0804 GASOLINE DISPENSER LABELING

02 NCAC 42 .0805 SAMPLING, TESTING AND OXYGEN CONTENT CALCULATIONS

02 NCAC 42 .0806 COMPLIANCE AND ENFORCEMENT

History Note: Authority G.S. 119-26; 119-26.1; 119-27; 143-215.107;
Eff. September 1, 1992;
Repealed Eff. July 1, 2008.