

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

### Alexander Burgos

Paralegal  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1940  
[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, July 29, 2025 2:10 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Thank you, Anna.

Alex, this Rule is final. Please post it to the agenda.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Tuesday, July 29, 2025 1:55 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Subject:** FW: May 2025 RRC Meeting  
**Importance:** High

Please see attached the corrected language as requested by Mr. Travis Wiggs.

### Anna R. Hayworth | Agricultural Programs Specialist

*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
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**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

02 NCAC 42 .0201 is amended as published in 39:13 NCR 783-784 as follows:

## 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  
International (formally the American Society for Testing and Materials) 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)~~(4) the minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;

~~(6)~~(5) octane rating shall not be less than the octane index certified on the brand name registration as required by 02 NCAC 42 .0500;

~~(7)~~(6) 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)~~(7) 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)~~(8) 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](http://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.*

*Amended Eff. May 1, 2025.*



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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, July 29, 2025 1:41 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Yes, exactly what I had in mind. Please submit the rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm today. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Tuesday, July 29, 2025 12:42 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

Yes, that should be no problem. See attached, is this what you had in mind?

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
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Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Monday, July 28, 2025 5:59 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

Yes, I am copying in Marcus Helfrich, our Standards Division Director, to provide the correct spelling. Marcus, can you assist?

**Anna R. Hayworth | Agricultural Programs Specialist**

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NC Department of Agriculture and Consumer Services  
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**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Monday, July 28, 2025 1:44 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Anna, good afternoon,

I received a comment from one of our commissioners about 02 NCAC 42 .0201. Is ASTM spelled out in another rule? If not, can ASTM be spelled out on lines 6-7? Please see below. Thank you.

Travis:

Could we get them to make a small change?

“1 2 SECTION .0200 - QUALITY OF LIQUID FUEL PRODUCTS 3 4 02 NCAC 42 .0201 STANDARD SPECIFICATIONS 5 (a) The Board hereby adopts by reference, including subsequent amendments and editions, **ASTM D** 4814, "Standard 6 Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following 7 modifications:exceptions: 8 .....”

Where I have highlighted ASTM, could they spell it out here? Only necessary to do it once in these regulations.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting  
**Attachments:** 06252025\_Governor\_Letter.pdf

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Thursday, June 26, 2025 2:50 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>  
**Subject:** RE: May 2025 RRC Meeting

Received, thank you!

Attached is the letter from the Governor's office that I mentioned we received at the end of the meeting.

Please let me know if you need anything additional.

Thanks again!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

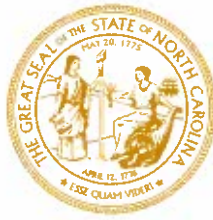
*NC Department of Agriculture and Consumer Services*

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**STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR**

JOSH STEIN  
GOVERNOR

June 25, 2025

North Carolina Office of Administrative Hearings  
Rules Review Commission  
1711 New Hope Church Road  
Raleigh, NC 27609

Re: Gasoline and Oil Inspection Board Proposed Amendment (02 NCAC 42 .0201)

Dear Commission Members,

Pursuant to N.C. Gen. Stat. § 119-26, I have reviewed the amendment to 02 NCAC 42 .0201 as proposed in 39:13 NCR 783-784. I approve the Gasoline and Oil Inspection Board's amendments to said rule.

Sincerely,

A handwritten signature in black ink that reads "Josh Stein".

Josh Stein  
Governor

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, June 26, 2025 1:27 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>; Lanier, Jonathan <[jonathan.lanier@ncagr.gov](mailto:jonathan.lanier@ncagr.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Anna,

Please see attached. Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Wednesday, June 25, 2025 3:01 PM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Understood, thank you Mr. Wiggs.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

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[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Wednesday, June 25, 2025 2:52 PM

**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>; Lanier, Jonathan <[jonathan.lanier@ncagr.gov](mailto:jonathan.lanier@ncagr.gov)>

**Subject:** RE: May 2025 RRC Meeting

Anna,

If your agency does not receive the letter by 5pm today, please reply all to this email with an extension request until the next RRC meeting on July 30, 2025. I count 23 working days from the June to July meetings.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Tuesday, June 24, 2025 10:39 AM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Mr. Wiggs,

Yes, that would be our intent. I am checking in on the status of the letter from the Governor's office today.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, June 24, 2025 8:24 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning, Anna,

We have a meeting today to go over our agenda for the RRC meeting. Does your agency intend to ask for another extension if documentation is not provided from the Governor's office prior to Thursday?

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)



## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Friday, June 20, 2025 2:52 PM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>  
**Subject:** RE: May 2025 RRC Meeting

What you provided is sufficient. Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Friday, June 20, 2025 12:47 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>; Lanier, Jonathan <[jonathan.lanier@ncagr.gov](mailto:jonathan.lanier@ncagr.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Wiggs,

The hearing was held at the Steve Troxler Agricultural Sciences center, Room A201B, 4400 Reedy Creek Road, Raleigh NC 27607, on Tuesday, June 17<sup>th</sup> from 10 – 11am.

It was noticed on our website, as well as communicated to industry by our division leadership. ([MEDIA ADVISORY: Public hearing regarding proposed NCAC rules change scheduled for June 17 | NC Agriculture](#))

Let me know if you need additional documentation, or if that will suffice.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Friday, June 20, 2025 10:34 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning, Anna,

Thank you for the update. Please also forward me documentation noticing the public hearing and confirmation of when/where the hearing occurred.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Friday, June 20, 2025 9:59 AM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning Mr. Wiggs,

The Governor's office let us know this morning that they approve of the changes, and will have us an official approval letter from their office prior to the RRC meeting next week. As soon as I have that letter in hand, I will forward it to you.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Tuesday, June 17, 2025 10:34 AM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning Mr. Wiggs,

Yes, we are holding our public hearing this week, it has been noticed and the interested parties made aware. We are working on confirmation from the Governor's office, I should have update for you by the end of the week.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

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Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, June 17, 2025 9:13 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning, Anna,

Are you able to provide an update on the status of this Rule as we're approaching the RRC meeting next week?

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**From:** Wiggs, Travis C  
**Sent:** Thursday, May 29, 2025 11:14 AM  
**To:** Hayworth, Anna  
**Cc:** Burgos, Alexander N  
**Subject:** RE: May 2025 RRC Meeting  
**Attachments:** Extension Letter-Gas and Oil Inspection Board-May 2025 .docx

Good morning,

Please see the attached letter confirming that the review of 02 NCAC 42 .0201 has been extended for 28 days until the next RRC meeting on June 26, 2025.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Tuesday, May 27, 2025 2:38 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

Yes, that is correct! Let me know if you need anything additional.

Thank you,

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, May 27, 2025 11:00 AM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Tuesday, May 27, 2025 2:38 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

Yes, that is correct! Let me know if you need anything additional.

Thank you,

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Tuesday, May 27, 2025 11:00 AM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Good morning, Anna,

I believe your agency is requesting an extension until the next RRC meeting on June 26<sup>th</sup>. I count 28 days between the two meetings. I'll make it clear at the meeting that you're seeking an extension of 28 days just in case any further extension is needed at the June meeting.

Let me know if you have any questions. Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)



## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Friday, May 23, 2025 11:42 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Will do, thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

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**From:** Wiggs, Travis C  
**Sent:** Friday, May 23, 2025 11:08 AM  
**To:** Hayworth, Anna  
**Cc:** Burgos, Alexander N  
**Subject:** RE: May 2025 RRC Meeting

Anna,

If the RRC grants the extension request next week, please address my response in 4. below. Also, in (b), line 24, please change “modifications” to “exceptions” as was done in (a).

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Friday, May 23, 2025 10:26 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Lanier, Jonathan <[jonathan.lanier@ncagr.gov](mailto:jonathan.lanier@ncagr.gov)>; Helfrich, Marcus R <[marcus.helfrich@ncagr.gov](mailto:marcus.helfrich@ncagr.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good morning Mr. Wiggs,

This is a formal request for an extension for review of these rules for the agency of 30 days. Please let me know if you need anything additional for this request.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, May 22, 2025 2:16 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Lanier, Jonathan <[jonathan.lanier@ncagr.gov](mailto:jonathan.lanier@ncagr.gov)>; Helfrich,

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Friday, May 23, 2025 10:55 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning, Anna,

I have no objection to your agency's request for an extension of 30 days. We will place this request on the agenda for the RRC to consider next Thursday.

Thank you and have a great weekend.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Friday, May 23, 2025 10:26 AM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good morning Mr. Wiggs,

This is a formal request for an extension for review of these rules for the agency of 30 days. Please let me know if you need anything additional for this request.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Thursday, May 22, 2025 2:43 PM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>

**Subject:** Re: May 2025 RRC Meeting

That would be wonderful. I will send out a Teams invite shortly.

Thank you!

Get [Outlook for iOS](#)

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Thursday, May 22, 2025 2:16:27 PM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good afternoon,

Yes, mam. How about 10am tomorrow?

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Thursday, May 22, 2025 2:04 PM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Helfrich, Marcus R <marcus.helfrich@ncagr.gov>

**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs!

After speaking with our staff, would you be available tomorrow morning for a quick call to discuss the requests for changes? We just have a few questions that we would like to talk through with you to understand how best to move forward with these.

I am happy to coordinate the call and send out invites, etc. Anytime before 11am would be wonderful for our staff. Do you have any availability?

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Tuesday, May 20, 2025 9:48 AM

**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: May 2025 RRC Meeting

Good morning,

Thank you for the update. I look forward to hearing from you soon.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Tuesday, May 20, 2025 9:48 AM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Good morning,

Thank you for the update. I look forward to hearing from you soon.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Monday, May 19, 2025 5:38 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

I am going over these with our staff, I should have something back to you by Thursday.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)



## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Monday, May 12, 2025 12:49 PM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Anna,

Thank you for the responses and changes. My responses below are numbered to coincide with the requests for changes.

1. The relevant part of G.S. 119-26 says “shall be subject to the approval of the Governor of the State.” I interpret that to mean that the Governor has the authority to approve, or disapprove, the actions of the Board. I understand the Governor has three appointees or your Board, but they are independent voters on the Board who are not authorized to represent the “approval of the Governor.” Does the Board have anything in writing from the Governor’s Office saying he approves the Board’s actions? Or anything that says the Governor is deemed to have approved the Board’s actions unless he/she specifically disapproves of an action? Is there any federal law or regulation that mandates “approval of the Governor?”
2. The relevant parts of G.S. 119-26 say “after public notice and *provision for the hearing* of all interested parties, to *adopt* standards” and “shall, from time to time *after a public hearing*, have the right to *amend*, alter, or change said standards.” I understand that the APA doesn’t generally require agencies to hold a public hearing if one is not requested. However, the authorizing statute for this Rule explicitly requires a “public hearing” to “amend” “standards” that are contemplated in this Rule (“Standard Specifications”). G.S. 119-26 makes clear that only a “provision for the hearing” is necessary to “adopt standards.” It seems the legislature would have used “provision for the hearing”, or not included it at all, if they weren’t requiring a public hearing to “amend” standards. I will be objecting, based lack of delegated authority (150B-21.9(1)), unless further information is provided to obviate the need to object.
3. Thank you
4. Is it correct that “applications” is not referencing a template or formal application? If so, the use of “applications” is a bit confusing. Please consider rephrasing to make it clear there is not a standard form or application that should be used by the public to request a waiver. Please clarify that you only seem to be requiring a written request for a waiver and the reason(s) it should be granted.

Please reply at your earliest convenience.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: May 2025 RRC Meeting

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Friday, May 9, 2025 4:24 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Received. I will be in touch next week.

Thank you!

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Friday, May 9, 2025 4:14 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Good afternoon Mr. Wiggs,

Please see attached the requested technical corrections. If you have any questions or concerns, please don't hesitate to reach out.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

02 NCAC 42 .0201 is amended as published in 39:13 NCR 783-784 as follows:

## 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-exceptions:~~

- (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~~ gasoline, or that customary sources of supply have been temporarily interrupted by product ~~shortage~~ 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; ~~and~~
- (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)(4)~~ the minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;

~~(6)(5)~~ octane rating shall not be less than the octane index certified on the brand name registration as required by ~~02 NCAC 42 .0500;~~ the rules of Section .0500 of this Subchapter;

~~(7)(6)~~ all blends, both leaded and unleaded, shall be blended according to 40 CFR Part 79.11, also commonly referred to as the EPA "Substantially Similar" ~~rule~~Rule, found in the Clean Air Act, CAA Section 211(f)(1)(B), or an EPA waiver for unleaded fuel;

~~(8)(7)~~ 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)(8)~~ 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](http://www.astm.org), at the following cost for each document: D 396, ~~ninety-one dollar (\$91.00); fifty eight dollars (\$58.00);~~ D 975, ~~ninety-nine dollars (\$99.00); seventy five dollars (\$75.00);~~ D 3699, ~~sixty-nine (\$69.00); fifty two dollars (\$52.00);~~ D 4814, ~~ninety-nine dollars (\$99.00); seventy five dollars (\$75.00);~~ D 5798, ~~sixty-nine (\$69.00); fifty two dollars (\$52.00);~~ and D 6751 ~~seventy-six dollar (\$76.00); 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.*

*Amended Eff. June 1, 2025.*

## **Information and Instructions for Making Technical Changes**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request technical changes from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: "a~~A~~ssociation"
  - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
  - Wrong: "day~~;~~ and"
  - Right: "~~day~~, day, and"
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of technical changes after reviewing the rules and examples, please contact the reviewing attorney.**

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Gasoline and Oil Inspection Board

RULE CITATION: 02 NCAC 42 .0201

**DEADLINE FOR RECEIPT: May 7, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

G.S. 119-26 says, "...provided, however, that the action of said Gasoline and Oil Inspection Board shall be subject to the approval of the Governor of the State...." Did the Governor approve this amendment?

***The Governor has three appointees to the board (Rohit Shetty of Geological Resource Inc, Amy Dean of LG Jordan Oil, and Haddon Clark of Sampson Bladen Oil,) who are industry members who participate in the dealings of the board as his appointees; they are specifically referenced in G.S. 119-26 as serving at the will of the Governor.***

***The Governor does not routinely attend these meetings due to the complexity of his schedule. It is also unlikely, given who the Governor may be at that given time, that they would possess the breadth of knowledge and technical understanding of the specifics of this industry, thus, his appointments, with their backgrounds specific to these services, serve as a form of representation.***

G.S. 119-26 says, "...Gasoline and Oil Inspection Board, shall, from time to time after a public hearing, have the right to amend, alter, or change said standards." The Form 0400 submitted with this Rule indicates that no hearing was requested. Was a public hearing conducted prior to your agency amending this Rule?

***Prior to beginning the rule-making process, the agency had extensive communication with the interested parties within industry, all of whom requested the change, and were in strong favor of the amendment. Once rulemaking was initiated and the language published, all interested parties were notified by the agency via email as to the intended changes. All responses received were in favor of the amendment, and no party conveyed any interest or request for a public hearing, or concern that one had not been held.***

***Both meetings of the board that were conducted to initiate rulemaking and final adoption were conducted with public notice and open to anyone for participation.***

Travis Wiggs  
Commission Counsel

Date submitted to agency: April 23, 2025



**Multiple members of industry, including but not limited to Tim Laughlin (NC Petroleum's Marketers Association), David McGowan (American Petroleum Institute), and Marilyn Herman (Herman and Associates, fuel consultancy), attended the second meeting on March 27, 2025, specifically for the purpose of seeing if the amendment passed. All parties interested in the process that communicated with the agency were in favor of the amendment passing.**

**The agency's response from industry and the public at large regarding this proposed change was one of extreme support, and high interest. The agency believes that given the interest and investment that the industry has surrounding this change, that had there been any interest in a public hearing, one would have been requested. The Gasoline and Oil Inspection Board is a small, niche board which meets infrequently, and as such, the agency was unaware of the possibility of the need to hold a public hearing, regardless of whether one was requested, which is common practice.**

**Under G.S. 150B-18, a rule is not valid unless it is adopted in substantial compliance. The agency does believe that given its extensive communication with stakeholders, industry, and the public met the standard for substantial compliance for all the reasons detailed above. The public and industry were well informed of the rulemaking process, the meetings that were held, and the process by which a public hearing could be conducted, none of which were requested, nor did the agency receive any questions regarding one.**

*At line 8, is the use of the word "modifications" intended to make exceptions to what is being adopted by reference in the ASTM D 4814? If so, consider replacing "modifications" with "exceptions."*

**Changes made.**

*At the end of (a)(2), please insert an "and" if that was your intent.*

**Changes made.**

*In (a)(1), line 9, where are the "applications" found and how are they to be submitted to the Director?*

**The applications referenced can be either an electronic form as an email or written as a letter to the director stating an issue, and why a waiver should be considered. It is standard for these to contain data substantiating their claim.**

*In lines 10-14, beginning with "Said"...through "available", consider adding commas after "gasoline" (line 12) and after "shortage" (line 13).*

**Changes made.**

*In (b)(6) what is the "EPA Substantially Similar rule?" Can you provide a citation to the CFR? Also, please capitalize "rule."*

**Yes, 40 CFR 79.11. Changes made.**

*On page 2, line 16, "02 NCAC 42 .0500" should be replaced with "the rules of Section .0500 of this Subchapter."*

**Changes made.**

*In (i), what do you mean by "shall be suitable for the intended use?" What are you requiring here?*

***The requirement is that, for example, a fuel that a distributor, seller, etc. is providing to a customer must be able to be utilized for the purpose for which it is known. For example, if a product is labeled or called 'diesel fuel,' then it must be able to be used as a fuel in a vehicle that would utilize diesel, and not a different category of gasoline; it must be utilized in the proper category of fuel for which it is being sold. This type of requirement is commonly understood throughout the industry.***

*In (j), please review the list of costs associated with each ATSM publication to ensure they are still accurate.*

**Changes made.**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

## Burgos, Alexander N

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**Subject:** FW: May 2025 RRC Meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Wednesday, April 30, 2025 3:02 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: May 2025 RRC Meeting

Absolutely, we will get them turned around as quickly as possible.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Wednesday, April 30, 2025 3:02 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

That's fine. Please respond to the request for changes prior to May 21<sup>st</sup> if possible.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Wednesday, April 30, 2025 2:55 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: May 2025 RRC Meeting

Mr. Wiggs,

Given our staff will be returning next week, I would like to request an extension to May 21<sup>st</sup> for our response, two weeks out from the original date of May 7<sup>th</sup>.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

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**Office: (984) 236-4509 (new office)**

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Wednesday, April 30, 2025 2:49 PM

**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: May 2025 RRC Meeting

Hey Anna,

How long of an extension are you requesting?

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>

**Sent:** Wednesday, April 30, 2025 2:44 PM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: May 2025 RRC Meeting

Thank you, Mr. Wiggs. We have begun reviewing these. However, I would like to request an extension on our review, given some of our staff are out of the office, and I need to confer with them on some these changes prior to our final submission.

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Wednesday, April 23, 2025 3:13 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** May 2025 RRC Meeting

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Gasoline Oil and Inspection Board for the May 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, May 29, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on May 7, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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