

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—[Weights and Measures] Weights, Measures and Consumer Protection
Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.100 Terminals. The director is deleting sub-section B-C in section 1 and all of section 2 and renumbering remaining sub-sections and making non-substantial changes to the division name.

PURPOSE: This proposed rule is being amended to delete duplicated language in NIST Handbook 44, NFPA 30, and rule 2 CSR 90-30.050 (Inspection of Premises) and non-substantial changes to the division name.

(1) Safety.

[(B)] Existing plants, storage, storage equipment, buildings, structures and installations for the sale, storage, handling or use of flammable or combustible liquids at any location which is not in strict compliance with the terms of this code may be continued in use, provided these do not constitute a distinct hazard to life or property. When the director determines that continued use will constitute a distinct hazard to life or property, s/he shall notify the owner or operator and specify reason in writing and shall order the correction, discontinuance or removal of same.

[(C)] New construction and new installations or major modifications made to any terminal location shall be in conformity with the provisions of the 1996 Edition of NFPA Manual No. 30.]

[(D)] (B) At least once every six (6) months the director shall inspect and examine all terminal premises utilized for the sale or storage of petroleum products regulated by Chapter 414, RSMo to insure compliance with NFPA Manual No. 30, 1996 Edition.

[(E)] (C) The director or his/her delegated representative shall have free access, at reasonable times, to any terminal location utilized for the sale or storage of petroleum products regulated by Chapter 414, RSMo.

[(F)] (D) No person shall hinder or obstruct the director or his/her delegated representative in the reasonable performance of his/her duties.

(2) Measuring Devices.

(A) Each measuring device used in the sale of petroleum products regulated by Chapter 414, RSMo shall meet the requirements contained in the current edition of NIST Handbook 44.

(B) At least every six (6) months, the director shall test and inspect each measuring device used in the sale of petroleum products regulated by Chapter 414, RSMo.

(C)]Any measuring device which does not meet the requirements contained in the current edition of NIST Handbook 44 shall not be used and shall be ordered corrected, discontinued from use or removed.

[(D)] If the design, construction or location of any device is such as to require a testing procedure involving special equipment or accessories or an abnormal amount of labor, the equipment, accessories and labor shall be supplied by the owner or operator of the device as required by the weights and measures official.

(E) Each measuring device used in the sale of petroleum products regulated by Chapter 414, RSMo shall be sealed with an official state security seal to be applied by the director of the Department of Agriculture or his/her delegated representative.

(F) All new construction and new installations or major modifications to existing facilities shall have installed separate product return lines from measuring devices back to storage for device testing purposes.

(G) No person shall break or tamper with any official state security seal without the consent of the director of the Department of Agriculture or his/her delegated representative, except for repair or replacement of that device, at which time notification is to be given to the director within five (5) days.

(H) No person, except the director or his/her delegated representative, shall duplicate the state seal of Missouri to be used for sealing or applying seals to any measuring device regulated by Chapter 414, RSMo.

(I) No person shall hinder or obstruct the director or his/her delegated representative in the reasonable performance of his/her duties.]

AUTHORITY: section 414.142, RSMo Supp. 1998. Emergency rule filed Dec. 1, 1987, effective Jan 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed April 8, 1999, effective Nov. 30, 1999.*

**Original authority 1987, amended 1993, 1995.*

PUBLIC COST: The proposed amendment will not cost public entities more than five hundred (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to these proposed amendments with Mr. Ronald G. Hayes, Division Director, Weights, Measures and Consumer Protection Division, P.O. Box 630, Jefferson City, MO 65102 or online at Agriculture.MO.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*