



Division of Waste Management

**Michael F. Easley, Governor**  
**William G. Ross Jr., Secretary**  
**Dexter R. Matthews, Director**

### MEMORANDUM

**Date:** August 1, 2006

**To:** Underground Storage Tank Responsible Parties, Environmental Service Providers, Subcontractors, Vendors, and Others

**From:** George Matthis   
Head, Trust Fund Branch

**Subject:** Amendment to Reasonable Rate Document Policy Concerning Requirements for Determining the Weight of Soil Excavated or Disposed

**Effective Date – October 1, 2006**

**Authority in the law and rules:** North Carolina General Statute 143-215.94E(e2) requires the Department to demand of a responsible party "documentation sufficient to establish that a cost is eligible to be paid or reimbursed" before either fund can reimburse the cost. 15A NCAC 02P.0404(b) authorizes the Division of Waste Management to require a responsible party to "submit any information required for the purpose of substantiating any claim for reimbursement on forms provided by the Division." The Weights and Measures Law, NCGS 81A-51(5), requires that "any person who shall weigh, measure or count, or who shall ascertain from a weighing, measuring or recording device for any other person and declare the weight to be the accurate weight of the product upon which the purchase, sale or exchange is based, and receive compensation for the act" must be a licensed public weighmaster certified by the Department of Agriculture, Standards Division.

**Intent of this policy amendment:** This policy amendment strengthens the documentation necessary to show the weight of soil excavated or disposed in order that the NC UST program, responsible parties, environmental service providers, subcontractors, vendors, and others are in full compliance with applicable laws and rules that govern leaking underground storage tank cleanups, including the Weights and Measures Law.

**Existing policy:** Documentation necessary to verify the weight of soil excavated or disposed must currently be submitted with claims in the form of (1) machine stamped weight tickets from NCDOT-certified scales, or (2) weight calculated from volumetric stockpile or excavation measurements where all measurements are made and calculations done by a licensed NC Professional Surveyor.

**Weigh Tickets:** Acceptable weight tickets must include machine stamped values for both the weight of the truck with the soil load (gross weight), and the weight of the empty truck (tare). Weight tickets with any portion handwritten instead of machine stamped are currently not acceptable, as such tickets do not provide proper certification of the accuracy of the recorded weight. The use of stored-tares (prerecorded tare values) is acceptable only if the previously recorded tare can also be documented with a machine-stamped weight ticket (separate tickets are acceptable). (Note: Although handwritten values on weight tickets have

been unacceptable under existing policy, the UST Section will accept handwritten values on weight tickets if a licensed public weighmaster initials the values and signs and seals the tickets.)

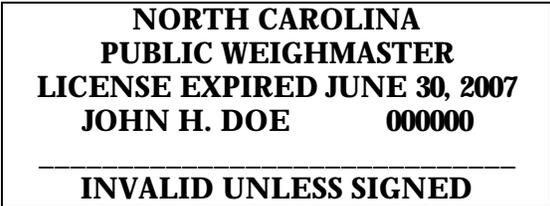
**Excavation or stockpile surveying:** The use of professional surveyor measurements and calculations to document soil weights requires that the excavation be completed with all removed soils appropriately segregated and stockpiled before measuring the total stockpile volumes. Performing partial-volume measurements (i.e., overburden portion only) or running-total measurements (i.e., collected during the ongoing excavation) would not provide valid documentation as each of these approaches could lead to duplicate or overlapping measurements of excavated soils. Where maintaining separate stockpiles of overburden and contaminated soils is not feasible, the weight of the soil may be documented by surveying the final dimensions of the excavation and converting to weight using the appropriate conversion value.

**Amendment to policy:**

**Weight Tickets:** Effective October 1, 2006, all weight tickets submitted in a reimbursement claim must comply with the statutory requirements set forth in the Weights and Measures Law and 2 NCAC 38.0500, which require that a licensed public weighmaster sign and seal all weight tickets to certify the accuracy of the measurement. After the effective date above, weight tickets not signed and sealed by a public weighmaster cannot be accepted by the UST Section as documentation of a certified weight.

The weighmaster seal is provided by the Department of Agriculture to all licensed weighmasters annually, and includes the weighmaster's name, license number, and current year. Proper use of the seal also requires an associated signature to validate that the measurement was made by the licensee or someone under their direct supervision. This includes both stamped and stored-tare tickets, both of which will be accepted if sealed by the licensed public weighmaster responsible for the measurement. For stored-tare tickets, any handwritten weights or tares must be initialed and signed and sealed by the public weighmaster to certify the accuracy of the measurements. Please be aware that under the Department of Agriculture's requirements, stored tares are only valid for 30 days from the date the tare was originally measured.

An example of the design of a typical NC Public Weighmaster Seal for 2006-2007 follows:

Typical NC Public Weighmaster Seal	Description of seal components
	<i>(issuing state)</i> <i>(license type)</i> <i>(expiration date)</i> <i>(name &amp; license number)</i> <i>(line for signature)</i>

Submitted weight tickets that do not conform to the requirements of the Weights and Measures Law will be reported to the Department of Agriculture for appropriate action.

**Excavation and stockpile surveying:** This new policy amendment does not alter the application of the existing policy regarding volumetric surveying and weight calculations made by licensed NC Professional Surveyors. The existing policy remains in effect.

For additional information regarding this policy amendment, please contact the Underground Storage Tank Section, Trust Fund Branch at (919) 733-8486. For additional information regarding the rules and statutes governing the issuance of certified weight tickets, please contact the Department of Agriculture, Standards Division by phone at (919) 733-3313 or visit online [atp://www.ncagr.com/standard/index.htm](http://www.ncagr.com/standard/index.htm).