

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 889  
SENATE BILL 1197

AN ACT TO IMPLEMENT THE OXYGENATED AND REFORMULATED GASOLINE REQUIREMENTS OF THE 1990 AMENDMENTS TO THE FEDERAL CLEAN AIR ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-213(29a) reads as rewritten:

"(29a) (29e) 'Title V' means Title V of the 1990 amendments to the Federal Clean Air Act (Pub. L. 101-549, 104 Stat. 2635-2635, 42 U.S.C. § 7661 et seq.)."'

Sec. 2. G.S. 143-213 is amended by adding two new subdivisions to read:

"(29b) 'Title II' means Title II of the 1990 amendments to the federal Clean Air Act and the National Emission Standards Act (Pub. L. 101-549, 104 Stat. 2471, 42 U.S.C. § 7521 et seq.)."

(29d) 'Title IV' means Title IV of the 1990 amendments to the federal Clean Air Act (Pub. L. 101-549, 104 Stat. 2584, 42 U.S.C. § 7651 et seq.)."

Sec. 3. G.S. 143-215.107(a) reads as rewritten:

"(a) Duty to Adopt Plans, Standards, etc. – The Commission is hereby directed and empowered, as rapidly as possible within the limits of funds and facilities available to it, and subject to the procedural requirements of this Article and Article 21:

- (1) To prepare and develop, after proper study, a comprehensive plan or plans for the prevention, abatement and control of air pollution in the State or in any designated area of the State.
- (2) To determine by means of field sampling and other studies, including the examination of available data collected by any local, State or federal agency or any person, the degree of air contamination and air pollution in the State and the several areas of the State.
- (3) To develop and adopt, after proper study, air quality standards applicable to the State as a whole or to any designated area of the State as the Commission deems proper in order to promote the policies and purposes of this Article and Article 21 most effectively.
- (4) To collect information or to require reporting from classes of sources which, in the judgment of the Environmental Management Commission, may cause or contribute to air pollution. Any person operating or responsible for the operation of air contaminant sources of any class for which the Commission requires reporting shall make reports containing such information as may be required by the

Commission concerning location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

- (5) To develop and adopt such emission control standards as in the judgment of the Commission may be necessary to prohibit, abate or control air pollution commensurate with established air quality standards. Such standards may be applied uniformly to the State as a whole or to any area of the State designated by the Commission.
- (6) To adopt, when necessary and practicable, a program for testing emissions from motor vehicles and to adopt motor vehicle emission standards in compliance with applicable federal regulations.
- (7) To develop and adopt standards and plans necessary to implement programs for the prevention of significant deterioration and for the attainment of air quality standards in nonattainment areas.
- (8) To regulate the use of sulfur dioxide allowances in accordance with Title IV of the 1990 amendments to the Federal Clean Air Act (Pub. L. 101-549, 104 Stat. 2584 et seq.), as amended, and regulations promulgated by the United States Environmental Protection Agency.
- (9) To regulate the oxygen content of gasoline, to require use of reformulated gasoline as the Commission determines necessary, to implement the requirements of Title II and implementing regulations adopted by the United States Environmental Protection Agency, and to develop standards and plans to implement this subdivision. Rules adopted under this subdivision may specify standards for a particular area of the State that differ from standards specified for other areas as may be necessary to improve ambient air quality within a particular area, achieve attainment or preclude violations of the National Ambient Air Quality Standards, or to meet other federal requirements. Rules may authorize the use of marketable oxygen credits for gasoline as provided in federal requirements."

Sec. 4. Article 3 of Chapter 119 of the General Statutes is amended by adding a new section to read:

**"§ 119-26.1. Oxygen content standards and reformulated gasoline.**

(a) Rules adopted pursuant to G.S. 143-215.107(a)(9) to regulate the oxygen content of gasoline or to require the use of reformulated gasoline shall be implemented by the Department of Agriculture and the Gasoline and Oil Inspection Board. Such rules shall be implemented within any area specified by the Environmental Management Commission when the Commission certifies to the Commissioner of Agriculture that implementation:

- (1) Will improve the ambient air quality within the specified county or counties;

- (2) Is necessary to achieve attainment or preclude violations of the National Ambient Air Quality Standards; or
- (3) Is otherwise necessary to meet federal requirements.

(b) The Department of Agriculture and the Gasoline and Oil Inspection Board may adopt rules to implement this section. Rules shall be consistent with the implementation schedule and rules adopted by the Environmental Management Commission.

(c) The Commissioner of Agriculture may assess and collect civil penalties for violations of rules adopted under G.S. 143-215.107(a)(9) or this section in accordance with G.S. 143-215.114A. The Commissioner of Agriculture may institute a civil action for injunctive relief to restrain, abate, or prevent a violation or threatened violation of rules adopted under G.S. 143-215.107(a)(9) or this section in accordance with G.S. 143-215.114C. The assessment of a civil penalty under this section and G.S. 143-215.114A or institution of a civil action under G.S. 143-215.114C and this section shall not relieve any person from any other penalty or remedy authorized under this Article.

(d) The Commissioner of Agriculture may delegate his powers and duties under this subsection to the Director of the Standards Division of the Department of Agriculture."

Sec. 5. The Department of Agriculture shall study the feasibility of implementing a program to permit averaging of oxygen content and the use of marketable oxygen credits for gasoline that exceeds oxygen content standards to offset the sale or use of gasoline with an oxygen content lower than oxygen content standards. The Department of Agriculture shall also study, in consultation with the Department of Environment, Health, and Natural Resources and local air pollution control programs certified pursuant to G.S. 143-215.112, the feasibility of concurrent local enforcement of oxygenated gasoline standards. The Department of Agriculture shall report its findings and recommendations, along with any necessary legislation or budget requests, to the Environmental Review Commission and the Environmental Management Commission. The Department shall make a preliminary report on or before 1 February 1993 and shall complete its study and submit its final written report and recommendations on or before 1 April 1993.

Sec. 6. This act is effective on and after 1 March 1992.

In the General Assembly read three times and ratified this the 8th day of July, 1992.

James C. Gardner  
President of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives