

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1197

Environment and Natural Resources Committee Substitute Adopted 6/18/92

Short Title: Oxygenated Gasoline.

(Public)

Sponsors:

Referred to:

June 4, 1992

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE OXYGENATED AND REFORMULATED  
3 GASOLINE REQUIREMENTS OF THE 1990 AMENDMENTS TO THE  
4 FEDERAL CLEAN AIR ACT.

5 The General Assembly of North Carolina enacts:

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

7 "~~(29a)~~ (29e) 'Title V' means Title V of the 1990 amendments to the  
8 ~~Federal-federal~~ Clean Air Act (Pub. L. 101-549, 104  
9 Stat. ~~2635-2635~~, 42 U.S.C. § 7661 **et seq.**)."

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

11 "(29b) 'Title II' means Title II of the 1990 amendments to the federal Clean  
12 Air Act and the National Emission Standards Act (Pub. L. 101-549,  
13 104 Stat. 2471, 42 U.S.C. § 7521 et seq.)."

14 (29d) 'Title IV' means Title IV of the 1990 amendments to the federal Clean  
15 Air Act (Pub. L. 101-549, 104 Stat. 2584, 42 U.S.C. § 7651 et seq.)."

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

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

20 (1) To prepare and develop, after proper study, a comprehensive plan or  
21 plans for the prevention, abatement and control of air pollution in the  
22 State or in any designated area of the State.

- 1           (2) To determine by means of field sampling and other studies, including  
2 the examination of available data collected by any local, State or  
3 federal agency or any person, the degree of air contamination and air  
4 pollution in the State and the several areas of the State.
- 5           (3) To develop and adopt, after proper study, air quality standards  
6 applicable to the State as a whole or to any designated area of the State  
7 as the Commission deems proper in order to promote the policies and  
8 purposes of this Article and Article 21 most effectively.
- 9           (4) To collect information or to require reporting from classes of sources  
10 which, in the judgment of the Environmental Management  
11 Commission, may cause or contribute to air pollution. Any person  
12 operating or responsible for the operation of air contaminant sources of  
13 any class for which the Commission requires reporting shall make  
14 reports containing such information as may be required by the  
15 Commission concerning location, size, and height of contaminant  
16 outlets, processes employed, fuels used, and the nature and time  
17 periods or duration of emissions, and such other information as is  
18 relevant to air pollution and available or reasonably capable of being  
19 assembled.
- 20           (5) To develop and adopt such emission control standards as in the  
21 judgment of the Commission may be necessary to prohibit, abate or  
22 control air pollution commensurate with established air quality  
23 standards. Such standards may be applied uniformly to the State as a  
24 whole or to any area of the State designated by the Commission.
- 25           (6) To adopt, when necessary and practicable, a program for testing  
26 emissions from motor vehicles and to adopt motor vehicle emission  
27 standards in compliance with applicable federal regulations.
- 28           (7) To develop and adopt standards and plans necessary to implement  
29 programs for the prevention of significant deterioration and for the  
30 attainment of air quality standards in nonattainment areas.
- 31           (8) To regulate the use of sulfur dioxide allowances in accordance with  
32 Title IV of the 1990 amendments to the Federal Clean Air Act (Pub. L. 101-  
33 549, 104 Stat. 2584 et seq.), as amended, and regulations promulgated by  
34 the United States Environmental Protection Agency.
- 35           (9) To regulate the oxygen content of gasoline, to require use of  
36 reformulated gasoline as the Commission determines necessary, to  
37 implement the requirements of Title II and implementing regulations  
38 adopted by the United States Environmental Protection Agency, and to  
39 develop standards and plans to implement this subdivision. Rules  
40 adopted under this subdivision may specify standards for a particular  
41 area of the State that differ from standards specified for other areas as  
42 may be necessary to improve ambient air quality within a particular  
43 area, achieve attainment or preclude violations of the National  
44 Ambient Air Quality Standards, or to meet other federal requirements.

1                   Rules may authorize the use of marketable oxygen credits for gasoline  
2                   as provided in federal requirements."

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

5 **"§ 119-26.1. Oxygen content standards and reformulated gasoline.**

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

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

14                   (2) Is necessary to achieve attainment or preclude violations of the  
15 National Ambient Air Quality Standards; or

16                   (3) Is otherwise necessary to meet federal requirements.

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

21                   (c) The Commissioner of Agriculture may assess and collect civil penalties for  
22 violations of rules adopted under G.S. 143-215.107(a)(9) or this section in accordance  
23 with G.S. 143-215.114A. The Commissioner of Agriculture may institute a civil action  
24 for injunctive relief to restrain, abate, or prevent a violation or threatened violation of  
25 rules adopted under G.S. 143-215.107(a)(9) or this section in accordance with G.S. 143-  
26 215.114C. The assessment of a civil penalty under this section and G.S. 143-215.114A  
27 or institution of a civil action under G.S. 143-215.114C and this section shall not relieve  
28 any person from any other penalty or remedy authorized under this Article.

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

32                   Sec. 5. The Department of Agriculture shall study the feasibility of  
33 implementing a program to permit averaging of oxygen content and the use of  
34 marketable oxygen credits for gasoline that exceeds oxygen content standards to offset  
35 the sale or use of gasoline with an oxygen content lower than oxygen content standards.  
36 The Department of Agriculture shall also study, in consultation with the Department of  
37 Environment, Health, and Natural Resources and local air pollution control programs  
38 certified pursuant to G.S. 143-215.112, the feasibility of concurrent local enforcement  
39 of oxygenated gasoline standards. The Department of Agriculture shall report its  
40 findings and recommendations, along with any necessary legislation or budget requests,  
41 to the Environmental Review Commission and the Environmental Management  
42 Commission. The Department shall make a preliminary report on or before 1 February  
43 1993 and shall complete its study and submit its final written report and  
44 recommendations on or before 1 April 1993.

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