

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1308  
Committee Substitute Favorable 4/24/01  
Third Edition Engrossed 4/27/01

Short Title: Extend Low-Sulfur Gasoline Implementation.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DATE BY WHICH ONLY LOW-SULFUR GASOLINE  
MAY BE SOLD IN THE STATE AND TO AUTHORIZE THE GOVERNOR TO  
TEMPORARILY WAIVE STATE LOW-SULFUR GASOLINE STANDARDS IN  
FAVOR OF FEDERAL LOW-SULFUR GASOLINE STANDARDS IF THE  
GOVERNOR FINDS THAT ENFORCEMENT OF THE STATE STANDARDS  
WOULD HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SUPPLY OR  
PRICE OF GASOLINE IN THE STATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 2.2 of S.L. 1999-328 reads as rewritten:

"Section 2.2. Section 2.1 of this act becomes effective 1 January 2006, as provided in this section. ~~No later than 1 July 2000, the Governor shall determine whether the United States Environmental Protection Agency has adopted, pursuant to the Notice of Proposed Rulemaking published on 13 May 1999 in the Federal Register, Volume 64, Number 92, Page 26003 et seq., regulations applicable to gasoline manufactured, sold, and offered for sale in this State that limit the sulfur content of gasoline to a concentration equal to or less than the concentration set out in Section 2.1 of this act. If the Governor so determines, the Governor shall issue an Executive Order setting out the date on which Section 2.1 of this act becomes effective, which shall be the date on which the federal regulation becomes effective in this State. Otherwise, Section 2.1 of this act becomes effective 1 January 2004. If the United States Environmental Protection Agency promulgates a regulation that imposes a limit on the concentration of sulfur in gasoline other than that set out in G.S. 119-26.2, as enacted by Section 2.1 of this act, it is the intention of the General Assembly to review the limit established in G.S. 119-26.2. In that event, the Environmental Review Commission shall review the limit on the concentration of sulfur in gasoline and report its findings and recommendations, if any, to the General Assembly.~~"

**SECTION 2.** G.S. 119-26.2 reads as rewritten:

1 **"§ 119-26.2. Sulfur content standards.**

2 (a) No person shall manufacture, sell, or offer for sale gasoline that contains a  
3 concentration of sulfur greater than 30 parts per million except that a person may  
4 manufacture, sell, or offer for sale gasoline that contains a concentration of sulfur of not  
5 more than 80 parts per million if the average concentration of sulfur in the gasoline  
6 manufactured, sold, or offered for sale by that person is 30 parts per million or less. The  
7 average concentration of sulfur contained in gasoline shall be determined on the basis of  
8 a one-year period established by rule.

9 (b) The Gasoline and Oil Inspection Board shall adopt rules to implement this  
10 section.

11 (c) If the Governor finds that enforcement of the sulfur concentration limits set  
12 out in subsection (a) of this section will have a significant adverse impact on the supply  
13 of gasoline in the State, or on the average price of gasoline sold in the State in  
14 comparison to the price of gasoline sold in adjoining states, or both, during any period  
15 of time, and that any adverse impact outweighs any adverse environmental impact that  
16 may result if a waiver is ordered, the Governor may by Executive Order waive the  
17 requirements of subsection (a) of this section as provided in this subsection. A waiver  
18 under this subsection shall authorize the sale of gasoline that meets the gasoline sulfur  
19 control requirements adopted by the United States Environmental Protection Agency as  
20 set out in 65 Federal Register 6698 through 6847 (10 February 2000) and codified at 40  
21 Code of Federal Regulations Part 80 (1 July 2001 Edition). The Governor may issue a  
22 waiver under this subsection for a maximum period of one year. The Governor may  
23 extend or renew a waiver upon a further finding that an extension or renewal is  
24 warranted under this subsection."

25 **SECTION 3.** This act is effective when it becomes law.