

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

**S**

**1**

**SENATE BILL 593\***

Short Title: Ambient Air Quality Improvement/AB.

(Public)

---

Sponsors: Senator Miller.

---

Referred to: Agriculture/Environment/Natural Resources.

---

March 29, 1999

**A BILL TO BE ENTITLED**

**AN ACT TO IMPROVE AMBIENT AIR QUALITY BY AUTHORIZING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO EXPAND THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.**

The General Assembly of North Carolina enacts:

Section 1. 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.

- 1           (4) To collect information or to require reporting from classes of sources  
2 which, in the judgment of the Environmental Management Commission,  
3 may cause or contribute to air pollution. Any person operating or  
4 responsible for the operation of air contaminant sources of any class for  
5 which the Commission requires reporting shall make reports containing  
6 such information as may be required by the Commission concerning  
7 location, size, and height of contaminant outlets, processes employed,  
8 fuels used, and the nature and time periods or duration of emissions, and  
9 such other information as is relevant to air pollution and available or  
10 reasonably capable of being assembled.
- 11           (5) To develop and adopt emission control standards as in the judgment of  
12 the Commission may be necessary to prohibit, abate, or control air  
13 pollution commensurate with established air quality standards. The  
14 standards may be applied uniformly to the State as a whole or to any  
15 area of the State designated by the Commission. This subdivision does  
16 not apply to that portion of the National Emission Standards for  
17 Hazardous Air Pollutants for asbestos that governs demolition and  
18 renovation as set out in 40 C.F.R. § 61.141, 61.145, 61.150, and 61.154  
19 (1 July 1993 edition).
- 20           (6) ~~To adopt, when necessary and practicable, a program for testing~~  
21 ~~emissions from motor vehicles and to adopt motor vehicle emission~~  
22 ~~standards in compliance with applicable federal regulations. adopt~~  
23 ~~motor vehicle emissions standards; to adopt, when necessary and~~  
24 ~~practicable, a motor vehicle emissions inspection and maintenance~~  
25 ~~program to improve ambient air quality; to designate emissions~~  
26 ~~counties; and to certify to the Commissioner of Motor Vehicles that the~~  
27 ~~ambient air quality in an area will be improved by the implementation~~  
28 ~~of a motor vehicle emissions inspection and maintenance program. The~~  
29 ~~Commission may adopt different motor vehicle emissions standards and~~  
30 ~~different motor vehicle emissions inspection and maintenance programs~~  
31 ~~for different areas or counties as may be necessary and appropriate to~~  
32 ~~improve ambient air quality.~~
- 33           (7) To develop and adopt standards and plans necessary to implement  
34 programs for the prevention of significant deterioration and for the  
35 attainment of air quality standards in nonattainment areas.
- 36           (8) To develop and adopt standards and plans necessary to implement  
37 programs to control acid deposition and to regulate the use of sulfur  
38 dioxide allowances and nitrogen oxides emissions in accordance with  
39 Title IV and implementing regulations adopted by the United States  
40 Environmental Protection Agency.
- 41           (9) To regulate the oxygen content of gasoline, to require use of  
42 reformulated gasoline as the Commission determines necessary, to  
43 implement the requirements of Title II and implementing regulations

1 adopted by the United States Environmental Protection Agency, and to  
2 develop standards and plans to implement this subdivision. Rules  
3 adopted under this subdivision may specify standards for a particular  
4 area of the State that differ from standards specified for other areas as  
5 may be necessary to improve ambient air quality within a particular  
6 area, achieve attainment or preclude violations of the National Ambient  
7 Air Quality Standards, or to meet other federal requirements. Rules may  
8 authorize the use of marketable oxygen credits for gasoline as provided  
9 in federal requirements.

10 (10) To develop and adopt standards and plans necessary to implement  
11 requirements of the federal Clean Air Act and implementing regulations  
12 adopted by the United States Environmental Protection Agency.

13 (11) To develop and adopt economically feasible standards and plans  
14 necessary to implement programs to control the emission of odors from  
15 animal operations, as defined in G.S. 143-215.10B."

16 Section 2. G.S. 20-39(e) reads as rewritten:

17 "(e) The Commissioner is authorized to cooperate with and provide assistance to  
18 the Environmental Management Commission, or appropriate local government officials,  
19 and to develop, adopt, and ensure enforcement of ~~necessary rules and regulations, regarding~~  
20 ~~programs of motor vehicle emissions inspection/maintenance required for areas in which~~  
21 ~~ambient air pollutant concentrations exceed National Ambient Air Quality Standards. rules~~  
22 governing motor vehicle emissions inspection and maintenance programs adopted  
23 pursuant to G.S. 143-215.107(a)(6)."

24 Section 3. G.S. 20-128.2(a) reads as rewritten:

25 "(a) The rules and regulations promulgated pursuant to G.S. 143-215.107(a)(6)  
26 shall be implemented when the Environmental Management Commission certifies to the  
27 Commissioner of Motor Vehicles that the ambient air quality in an area will be improved  
28 by the implementation of a motor vehicle ~~inspection/maintenance emissions inspection and~~  
29 maintenance program within a specified county or group of counties, ~~as necessary to effect~~  
30 ~~attainment or preclude violations of the National Ambient Air Quality Standards for carbon~~  
31 ~~monoxide or ozone; provided the Environmental Management Commission may prescribe~~  
32 ~~different vehicle emission limits for different areas as may be necessary and appropriate to meet~~  
33 ~~the stated purposes of this section. counties."~~

34 Section 4. G.S. 20-183.2 reads as rewritten:

35 "**§ 20-183.2. Description of vehicles subject to safety or emissions inspection;**  
36 **definitions.**

37 (a) Safety. – A motor vehicle is subject to a safety inspection in accordance with  
38 this Part if it meets all of the following requirements:

39 (1) It is subject to registration with the Division under Article 3 of this  
40 Chapter.

41 (2) It is not subject to inspection under 49 C.F.R. Part 396, the federal  
42 Motor Carrier Safety Regulations.

- 1           (3) It is not a trailer whose gross weight is less than 4,000 pounds or a  
2 house trailer.
- 3       (b) Emissions. – A motor vehicle is subject to an emissions inspection in  
4 accordance with this Part if it meets all of the following requirements:
- 5           (1) It is subject to registration with the Division under Article 3 of this  
6 Chapter.
- 7           (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house  
8 trailer, or a motorcycle.
- 9           (3) It is a 1975 or later model.
- 10          ~~(4) It is powered or designed so that it could be powered by gasoline.~~
- 11          (5) It meets any of the following descriptions:
- 12           a. It is required to be registered in an emissions county.
- 13           b. It is part of a fleet that is operated primarily in an emissions  
14 county.
- 15           c. It is offered for rent in an emissions county.
- 16           d. It is a used vehicle offered for sale by a dealer in an emissions  
17 county.
- 18           e. It is operated on a federal installation located in an emissions  
19 county and it is not a tactical military vehicle. Vehicles operated  
20 on a federal installation include those that are owned or leased by  
21 employees of the installation and are used to commute to the  
22 installation and those owned or operated by the federal agency  
23 that conducts business at the installation.
- 24           f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an  
25 emissions inspection.
- 26       (c) Definitions. – The following definitions apply in this Part:
- 27           (1) Emissions county. – A county ~~in which the State either is required by~~  
28 ~~federal law to conduct emissions testing or has agreed in its State~~  
29 ~~Implementation Plan submitted to the federal Environmental Protection~~  
30 ~~Agency to conduct emissions testing. The State designated by the~~  
31 ~~Environmental Management Commission establishes the emissions~~  
32 ~~counties pursuant to rules adopted under G.S. 143-215.107(a)(6).~~
- 33           (2) Federal installation. – An installation that is owned by, leased to, or  
34 otherwise regularly used as the place of business of a federal agency."
- 35 Section 5. This act is effective when it becomes law.