

**15A NCAC 02D .1302 APPLICABILITY**

(a) This Section shall apply to gasoline identified in Rule .1301 of this Section during the time period described in Paragraph (c) of this Rule in any of the following areas, and in that area only, when the Director notices in accordance with Paragraph (b) of this Rule in the North Carolina Register that oxygenated gasoline is needed in that area to attain and maintain the ambient air quality standard for carbon monoxide:

- (1) the Greensboro/Winston-Salem/High Point Metropolitan Statistical Area consisting of Davie, Davidson, Forsyth, Guilford, Randolph, Stokes, and Yadkin Counties;
- (2) the Charlotte/Gastonia/Rock Hill Metropolitan Statistical Area consisting of Cabarrus, Gaston, Mecklenburg, and Union Counties; and
- (3) the Raleigh/Durham Metropolitan Statistical Area consisting of Durham, Franklin, Orange, and Wake Counties.

(b) If a violation of the ambient air quality standard for carbon monoxide is measured in accordance with 40 CFR 50.8 in one of the areas named in Paragraph (a) of this Rule, the Director shall initiate analyses to determine if additional measures are needed to attain and maintain the ambient air quality standards in that area. If the Director finds that 2.7 percent oxygen by weight oxygenated gasoline is needed, the Director shall notice in the North Carolina Register by the following September 1 that only oxygenated gasoline shall be sold in that area beginning on the following November 1. The notice shall identify the area in which oxygenated gasoline shall be sold. Also by the following July 1, the Director shall notify the Gasoline and Oil Inspection Board and the primary gasoline distributors that only oxygenated gasoline shall be sold in the area beginning on the following November 1.

(c) This Section applies to gasoline identified in Rule .1301 of this Section and in the counties identified in Paragraph (a) of this Rule for the four-month period beginning November 1 and running through the last day of February of the following year.

(d) Gasoline in storage within the counties identified in Paragraph (a) of this Rule prior to November 1 of the year in which this Section goes into effect at a dispensing facility having total gasoline tank capacity of less than 550 gallons or a total weekly dispensing rate of less than 550 gallons is exempted from Rule .1304 of this Section, but any gasoline supplied to the facility during the period identified in Paragraph (c) of this Rule shall comply with Rule .1304 of this Section.

*History Note: Filed as a Temporary Amendment Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(7); Eff. September 1, 1992; Amended Eff. September 1, 1996; November 1, 1994.*