

MAINE STATE LEGISLATURE

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MINORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 11, L.D. 21, Bill, "An Act to Eliminate the Use of MTBE in Maine"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 10 MRSA §2412-A is enacted to read:

§2412-A. Gasoline labeling

1. Definitions. For purposes of this section, the following terms have the following meanings.

A. "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses automobile gasoline for retail sale.

B. "MTBE" means the gasoline oxygenate methyl tertiary butyl ether.

C. "Federal RFG" means the reformulated gasoline blend approved by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) for sale and use in states other than California.

2. Prohibition. A person may not own or operate a motor fuel dispenser in this State that dispenses for retail sale

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2 automobile gasoline containing MTBE in a measurable quantity
3 unless the dispenser has affixed to it, in a position clear and
4 conspicuous to a customer, a label stating "contains MTBE" in a
5 type at least 1/2 inch in height and at least 1/16 inch in width
6 of stroke. The label may contain other information about the
7 amount of MTBE in the gasoline, including a comparison with the
8 amount found in federal RFG, provided the information is accurate.

9
10 **Sec. 2. 22 MRSA §2611, sub-§1**, as enacted by PL 1975, c. 751,
11 **§4**, is amended to read:

12 **1. State primary drinking water rules.** The commissioner
13 shall ~~promulgate~~ adopt and enforce primary drinking water
14 ~~regulations-which rules that~~ are necessary to protect the public
15 health and ~~which-shall that~~ that apply to all public water systems.
16 ~~Such-regulations-shall-include~~ These rules must:

17 **A. Identification** Include identification of contaminants
18 ~~which that~~ may have an adverse effect on the health of
19 persons;

20 **B. Specifies** Specify for each contaminant either:

21
22 (1) A maximum contaminant level that is acceptable in
23 water for human consumption, if it is feasible to
24 ascertain the level of ~~such that~~ that contaminant in water
25 in public water systems; or

26
27 (2) One or more treatment techniques or methods ~~which~~
28 that lead to a reduction of the level of ~~such that~~ that
29 contaminant sufficient to protect the public health, if
30 it is not feasible to ascertain the level of ~~such that~~ that
31 contaminant in water in the public water system; and

32
33 **C. Criteria** Include criteria and procedures to assure
34 ~~ensure~~ compliance with the levels or methods determined
35 under paragraph B, including quality control and testing
36 procedures to ~~insure~~ ensure compliance with such levels or
37 methods and to ~~insure~~ ensure proper operation and
38 maintenance of the system, and requirements as to the
39 minimum quality of water ~~which that~~ that may be taken into the
40 system and the siting for new facilities.

41
42 Such regulations ~~shall~~ may not be no less stringent than the most
43 recent National Primary Drinking Water Regulations in effect, as
44 issued or promulgated by the United States Environmental
45 Protection Agency. ~~Regulations~~ Rules under this subsection may be
46 amended from time to time, as necessary. The commissioner shall
47 establish 25 parts per billion as the maximum contaminant level

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2 for methyl tertiary butyl ether that is acceptable in water for
3 human consumption.

4 Sec. 3. 38 MRSA §585-H is enacted to read:

6 **§585-H. MTBE monitoring and reductions**

8 **1. Monitoring.** The department shall monitor shipments of
9 gasoline to storage terminals in the State and compile annual
10 reports showing the levels of methyl tertiary butyl ether,
11 referred to in this section as "MTBE," in gasoline brought into
12 the State.

14 **2. Regional efforts.** The department shall promote and
15 actively participate in regional efforts by state regulatory
16 agencies in the Northeast to develop alternatives to the use of
17 MTBE as a gasoline additive.

18 **3. Elimination of MTBE in gasoline sold in State.** Except
19 as otherwise provided by rule, a person may not sell or offer for
20 sale in the State gasoline containing MTBE after January 1,
21 2003. The commissioner by rule may suspend this prohibition or
22 establish a later date if the commissioner determines that the
23 prohibition:

24 **A. Will result in market constraints related to supply and**
25 **pricing; or**

26 **B. Based on thorough analysis and evaluation of alternatives**
27 **to the use of MTBE, will not ensure the lowest possible**
28 **total environmental impact.**

29 Rules adopted pursuant to this subsection are major substantive
30 rules as defined in Title 5, chapter 375, subchapter II-A.

31 **4. Reporting.** The department shall annually, no later than
32 February 1st, present a report to the joint standing committee of
33 the Legislature having jurisdiction over natural resources
34 matters on:

35 **A. The levels of MTBE in gasoline brought into the State;**
36 **and**

37 **B. The progress made in regional efforts to develop**
38 **alternatives to the use of MTBE as a gasoline additive.**

39 The joint standing committee of the Legislature having
40 jurisdiction over natural resources matters may report out to any
41 other committee of the Legislature.

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2 session of the Legislature legislation relating to MTBE use in
3 gasoline.

4 Further amend the bill by inserting at the end before the
5 summary the following:

8 **FISCAL NOTE**

10 This bill will require future Other Special Revenue funds
11 allocations of \$400,000 beginning in fiscal year 2001-02 for the
12 Ground Water Oil Clean-up Fund within the Department of
13 Environmental Protection to remediate groundwater sites with
14 certain MTBE concentrations.

16 The Ground Water Oil Clean-up Fund is likely to receive
17 reimbursements for certain remediation efforts for MTBE
18 groundwater contamination. The amounts can not be determined at
19 this time.

20 The Department of Environmental Protection will incur some
21 minor additional costs to adopt certain rules pertaining to MTBE
22 levels in gasoline. These costs can be absorbed within the
23 department's existing budgeted resources.

24 The Department of Human Services will incur some minor
25 additional costs to establish contaminant levels of MTBE. These
26 costs can be absorbed within the department's existing budgeted
27 resources.

28 This bill may increase the number of civil violations filed
29 in the court system. The additional workload and administrative
30 costs associated with the minimal number of new cases filed can
31 be absorbed within the budgeted resources of the Judicial
32 Department. The collection of additional fines may also increase
33 General Fund revenue by minor amounts.'

38 **SUMMARY**

40 This amendment, which is the minority report of the Joint
41 Standing Committee on Natural Resources, replaces the bill. This
42 amendment:

- 44 1. Establishes a maximum contaminant level of MTBE in
45 drinking water of 25 parts per billion;
- 46 2. Establishes certain labeling requirements for motor fuel
47 dispensers that dispense automobile gasoline containing MTBE;

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- 2 3. Requires the Department of Environmental Protection to
3 monitor and report on the levels of MTBE being brought into the
4 State;

- 6 4. Directs the department to undertake all reasonable
7 efforts to promote and be an active participant in regional
8 efforts by state regulatory agencies in the Northeast to develop
9 alternatives to the use of MTBE as a gasoline additive;

- 10 5. Establishes a prohibition on the use of MTBE in gasoline
11 in the State after January 1, 2003 but allows the department to
12 suspend or delay this date if the commissioner finds that the
13 prohibition will result in market constraints related to supply
14 and pricing or will result in alternatives to MTBE that will
15 cause greater environmental impact than the use of MTBE;

- 18 6. Requires the department to make annual reports to the
19 joint standing committee of the Legislature having jurisdiction
20 over natural resources matters on MTBE;

- 22 7. Authorizes the joint standing committee of the
23 Legislature having jurisdiction over natural resources matters to
24 report out legislation on MTBE in gasoline; and

- 26 8. Adds a fiscal note to the bill.

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