

106TH CONGRESS  
2D SESSION

# H. R. 3798

To amend section 211 of the Clean Air Act to prohibit the use of MTBE as a fuel additive, to amend the Solid Waste Disposal Act to accelerate the cleanup of MTBE released from leaking underground storage tanks, and to amend the Safe Drinking Water Act to assist communities with MTBE contamination in drinking water supplies, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2000

Mr. FORBES (for himself, Mr. NADLER, Mr. OWENS, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on Commerce

---

## A BILL

To amend section 211 of the Clean Air Act to prohibit the use of MTBE as a fuel additive, to amend the Solid Waste Disposal Act to accelerate the cleanup of MTBE released from leaking underground storage tanks, and to amend the Safe Drinking Water Act to assist communities with MTBE contamination in drinking water supplies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT OF SECTION 211.**

2 (a) **MTBE PROHIBITION.**—Section 211(c) of the  
3 Clean Air Act (42 U.S.C. 7545(c)) is amended as follows:

4 (1) By adding at the end of paragraph (1) the  
5 following: “The Administrator shall amend the regu-  
6 lations under this paragraph as promptly as prac-  
7 ticable after the date of enactment of this sentence  
8 to prohibit, by no later than January 1, 2004, the  
9 use of methyl tertiary butyl ether (MTBE) as a fuel  
10 additive.”.

11 (2) By adding the following new subparagraph  
12 at the end of paragraph (2):

13 “(D) The Administrator shall prohibit under para-  
14 graph (1) any additive in gasoline registered under sub-  
15 section (a) after the enactment of this subparagraph un-  
16 less it has been determined (through scientific testing and  
17 peer review) not to have any adverse effects on the pub-  
18 lic.”.

19 (b) **SAVINGS PROVISION.**—Nothing in the amend-  
20 ments made by this section shall be construed as changing  
21 the oxygenate requirements or emission standards set  
22 forth in the Clean Air Act.

23 **SEC. 2. PREVENTION OF FURTHER LEAKS.**

24 (a) **MONITORING.**—Section 9005 of the Solid Waste  
25 Disposal Act is amended by adding the following new sub-  
26 section at the end thereof:

1           “(c) SPECIAL RULE FOR MTBE.—Whenever any re-  
2 lease has been detected from an underground storage  
3 tank, the Administrator (or a representative of a State  
4 with an approved program) shall require the owner or op-  
5 erator of the tank to conduct monitoring for methyl ter-  
6 tiary butyl ether (MTBE) and report the results of such  
7 monitoring annually to the Administrator (or such rep-  
8 resentative) for the longer of (1) a period of 10 years fol-  
9 lowing the detection of the first such release, or (2) 3  
10 years after the date on which the last release was de-  
11 tected.”.

12           (b) UPGRADING OF UNDERGROUND STORAGE  
13 TANKS.—In enforcing the requirement that underground  
14 storage tanks be upgraded in accordance with section  
15 280.21 of title 40, Code of Federal Regulations, the Ad-  
16 ministrator of the Environmental Protection Agency shall  
17 focus enforcement of the requirement on areas where  
18 MTBE is leaking into ground water or surface water.

19           (c) SENSE OF THE CONGRESS.—It is the sense of  
20 Congress that—

21           (1) the Administrator should prioritize its funds  
22 under the Leaking Underground Storage Tanks  
23 (LUST) program (42 U.S.C. 6991 et seq.) to pro-  
24 vide oversight, enforcement, and grants to States in  
25 which MTBE has been used as a fuel additive; and

1           (2) the Administrator should accelerate the cur-  
2           rently-planned implementation of testing for and re-  
3           porting of MTBE in public water drinking water  
4           supplies to be completed by December 2001.

5           (d) FUNDING.—It is the sense of the Congress that  
6           all funds available in the Leaking Underground Storage  
7           Tank Trust Fund established under section 9508 of the  
8           Internal Revenue Code of 1986 should be appropriated an-  
9           nually.

10 **SEC. 3. EMERGENCY DECLARATION AND STUDY.**

11           (a) IN GENERAL.—Part E of the Safe Drinking  
12           Water Act is amended by adding the following at the end  
13           thereof:

14 **“SEC. 1459. EMERGENCY DECLARATION; STUDY.**

15           “(a) DECLARATION.—Based on the request of a Gov-  
16           ernor or head of a local government, the Administrator  
17           is authorized to declare that a drinking water emergency  
18           exists in a county or municipality, or any part thereof,  
19           if the drinking water supplies for that county or munici-  
20           pality, or any part thereof, have been contaminated by  
21           methyl tertiary butyl ether (MTBE).

22           “(b) GRANTS.—Upon making a declaration under  
23           subsection (a), the Administrator is authorized to make,  
24           on an expedited basis—

1           “(1) grants to local government agencies to  
2 connect persons using private wells that have been  
3 contaminated with MTBE to public water systems  
4 where necessary to assure such persons access to  
5 uncontaminated water;

6           “(2) grants to local government agencies to  
7 purchase bottled water for residents unable to safely  
8 use the water supply; and

9           “(3) grants to such agencies to remediate the  
10 municipal water supplies, groundwater and surface  
11 water, and any other natural sources that provide  
12 water to the community.

13          “(c) STUDY.—The National Institutes of Environ-  
14 mental Health Sciences (NIEHS) of the National Insti-  
15 tutes of Health shall undertake a study of the long-term  
16 health effects of MTBE contamination in drinking water.

17          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this section  
19 \$15,000,000 for the fiscal year 2001 and such sums as  
20 may be necessary for fiscal years 2002 through 2005.”.

21          (b) BUDGET OFFSET.—For the fiscal year 2001,  
22 sums otherwise available under other authority of law for  
23 the Army School of the Americas in the Department of  
24 the Army shall be reduced by \$15,000,000.

○