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106TH CONGRESS
2D SESSION

H. R. 4303

To prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. EWING (for himself, Mr. SHIMKUS, Mr. WELLER, Mr. LAHOOD, Mr. MCINTOSH, Mr. LIPINSKI, Mr. MANZULLO, and Mr. PHELPS) introduced the following bill; which was referred to the Committee on Commerce

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A BILL

To prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "MTBE Elimination Act".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) a single cup of MTBE, equal to the quantity found in 1 gallon of gasoline oxygenated with

MTBE, renders all of the water in a 5,000,000-gallon well undrinkable;

(2) the physical properties of MTBE allow MTBE to pass easily from gasoline to air to water, or from gasoline directly to water, but MTBE does not—

(A) readily attach to soil particles; or

(B) naturally degrade;

(3) the development of tumors and nervous system disorders in mice and rats has been linked to exposure to MTBE and tertiary butyl alcohol and formaldehyde, which are 2 metabolic byproducts of MTBE;

(4) reproductive and developmental studies of MTBE indicate that exposure of a pregnant female to MTBE through inhalation can—

(A) result in maternal toxicity; and

(B) have possible adverse effects on a developing fetus;

(5) the Health Effects Institute reported in February 1996 that the studies of MTBE support its classification as a neurotoxicant and suggest that its primary effect is likely to be in the form of acute impairment;

(6) people with higher levels of MTBE in the bloodstream are significantly more likely to report more headaches, eye irritation, nausea, dizziness, burning of the nose and throat, coughing, disorientation, and vomiting as compared with those who have lower levels of MTBE in the bloodstream;

(7) available information has shown that MTBE significantly reduces the efficiency of technologies used to remediate water contaminated by petroleum hydrocarbons;

(8) the costs of remediation of MTBE water contamination throughout the United States could run into the billions of dollars;

(9) although several studies are being conducted to assess possible methods to remediate drinking water contaminated by MTBE, there have been no engineering solutions to make such remediation cost-efficient and practicable;

(10) the remediation of drinking water contaminated by MTBE, involving the stripping of millions of gallons of contaminated ground water, can cost millions of dollars per municipality;

(11) the average cost of a single industrial cleanup involving MTBE contamination is approximately $150,000;

(12) the average cost of a single cleanup involving MTBE contamination that is conducted by a small business or a homeowner is approximately $37,000;

(13) the reformulated gasoline program under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) has resulted in substantial reductions in the emissions of a number of air pollutants from motor vehicles, including volatile organic compounds, carbon monoxide, and mobile-source toxic air pollutants, including benzene;

(14) in assessing oxygenate alternatives, the Blue Ribbon Panel of the Environmental Protection Agency determined that ethanol, made from domestic grain and potentially from recycled biomass, is an effective fuel-blending component that—

(A) provides carbon monoxide emission benefits and high octane; and

(B) appears to contribute to the reduction of the use of aromatics, providing reductions in emissions of toxic air pollutants and other air quality benefits;

(15) the Department of Agriculture concluded that ethanol production and distribution could be expanded to meet the needs of the reformulated gaso-

line program in 4 years, with negligible price impacts and no interruptions in supply; and

(16) because the reformulated gasoline program is a source of clean air benefits, and ethanol is a viable alternative that provides air quality and economic benefits, research and development efforts should be directed to assess infrastructure and meet other challenges necessary to allow ethanol use to expand sufficiently to meet the requirements of the reformulated gasoline program as the use of MTBE is phased out.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide technical assistance, information, and matching funds to help local communities—

(1) test drinking water supplies; and

(2) remediate drinking water contaminated with methyl tertiary butyl ether.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE GRANTEE.—The term ''eligible grantee'' means any of the following:

(A) A Federal research agency.

(B) A national laboratory.

(C) A college.

(D) A university.

(E) A research foundation maintained by a college or university.

(F) A private research organization with an established and demonstrated capacity to perform research or technology transfer.

(G) A State environmental research facility.

(3) MTBE.—The term ''MTBE'' means methyl tertiary butyl ether.

SEC. 4. USE AND LABELING OF MTBE AS A FUEL ADDITIVE.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(f) USE OF METHYL TERTIARY BUTYL ETHER.—

''(1) PROHIBITION ON USE.—Effective on the date that is 3 years after the date of enactment of this subsection, a person shall not use methyl tertiary butyl ether as a fuel additive.

''(2) LABELING OF FUEL DISPENSING SYSTEMS FOR MTBE.—Any person selling oxygenated gasoline containing methyl tertiary butyl ether at retail shall

be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that—

''(A) specifies that the gasoline contains methyl tertiary butyl ether; and

''(B) provides such other information concerning methyl tertiary butyl ether as the Administrator determines to be appropriate.

''(3) REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Administrator shall establish a schedule that provides for an annual phased reduction in the quantity of methyl tertiary butyl ether that may be used as a fuel additive during the 3-year period beginning on the date of enactment of this subsection.''.

SEC. 5. GRANTS FOR RESEARCH ON MTBE GROUND WATER CONTAMINATION AND REMEDIATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Administrator shall establish a MTBE research grants program within the Environmental Protection Agency.

(2) PURPOSE OF GRANTS.—The Administrator may make a grant under this section to an eligible grantee to pay the Federal share of the costs of research on—

(A) the development of more cost-effective and accurate MTBE ground water testing methods;

(B) the development of more efficient and cost-effective remediation procedures for water sources contaminated with MTBE; or

(C) the potential effects of MTBE on human health.

(b) ADMINISTRATION.—

(1) IN GENERAL.—In making grants under this section, the Administrator shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes for which a grant may be awarded under subsection (a); and

(D) give priority to those proposals the applicants for which demonstrate the availability of matching funds.

(2) COMPETITIVE BASIS.—A grant under this section shall be awarded on a competitive basis.

(3) TERM.—A grant under this section shall have a term that does not exceed 4 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2001 through 2004.

SEC. 6. REFORMULATED GASOLINE.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that:

(1) Section 211(k) of the Clean Air Act requires the use of reformulated gasoline in the nation's worst ozone nonattainment areas.

(2) In order to promote more complete fuel combustion, the Clean Air Act requires reformulated gasoline to contain a minimum of 2.0 percent oxygen.

(3) The presence of oxygen in a fuel is beneficial in reducing volatile organic compound, carbon monoxide, toxic air pollutant emissions.

(4) The use of ethanol at the typical blending rate of 10 percent by volume equates to a 3.5 percent oxygen content.

(5) This increased oxygen content, while providing the intended benefits of reducing volatile organic compound and toxic air pollutant emissions, results in additional carbon monoxide emission reductions.

(6) The National Research Council found that carbon monoxide in exhaust emissions from motor vehicles contributes about 20 percent to the overall ozone forming potential of motor-vehicle emissions.

(7) Reducing carbon monoxide emissions will have a positive impact on ozone air quality.

(8) Blending ethanol into an unoxygenated reformulated gasoline base will increase the volatility of the resulting blend.

(9) In order to account for this volatility increase, gasoline producers must, at increased expense, reduce the volatility of the unoxygenated reformulated gasoline base.

(10) The benefits of reduced carbon monoxide emissions on ozone air quality have not been fully considered in the USEPA's reformulated gasoline compliance methodology, the complex model.

(11) Scientific analyses detailing the carbon monoxide and ozone air quality benefits of reformulated gasoline blends containing 3.5 percent oxygen have concluded that a minimum of a 0.5 pounds per square inch Reid vapor pressure allowance is a reasonable gasoline volatility offset for determining the proper impact of such gasoline,

(b) RVP ALLOWANCE.—In order to account for the positive impact of reduced carbon monoxide emissions on ozone air quality and because of the positive environmental impact resulting from the use of oxygenates in gasoline, the Administrator of the Environmental Protection Agency is directed to promulgate rules requiring a 0.5 pounds per square inch Reid vapor pressure allowance for all reformulated gasoline containing 3.5 percent oxygen by weight.

(c) OFFSET.—Notwithstanding any other provision of law, any additional volatile organic compound emissions resulting from the use of such reformulated gasoline should be deemed to be fully offset and thus not calculated in determining compliance with any of the provisions in section 182 of the Clean Air Act (42 U.S.C. 7511a), dealing with Reasonable Further Progress plans or demonstrations.

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