

**HOUSE BILL 823**  
**EMERGENCY BILL**

Unofficial Copy  
M3

2000 Regular Session  
(01r0359)

***ENROLLED BILL***

*-- Environmental Matters/Economic and Environmental Affairs --*

Introduced by **Delegates Clagett, Zirkin, Love, Bronrott, Pitkin, Krysiak,  
Hurson, Bobo, and Rosso**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Task Force on the Environmental Effects of MTBE**

3 FOR the purpose of establishing a Task Force on the Environmental Effects of MTBE;  
4 requiring the Task Force to determine and assess certain risks, to examine  
5 certain efforts, ~~and~~ to recommend a certain plan, and to explore certain  
6 alternatives; providing for the composition, quorum, and meetings of the Task  
7 Force and for certain reimbursement of its members; requiring the Task Force to  
8 submit certain reports by certain dates; defining certain terms; making this Act  
9 ~~contingent on the taking effect of another Act; an emergency measure~~; providing  
10 for the termination of this Act; and generally relating to a Task Force on the  
11 Environmental Effects of MTBE.

12 BY adding to  
13 Article - Environment  
14 Section 14-601 ~~through 14-603, inclusive, and 14-602~~ to be under the new  
15 subtitle "Subtitle 6. Task Force on the Environmental Effects of MTBE"

1 Annotated Code of Maryland  
2 (1996 Replacement Volume and 1999 Supplement)

3 Preamble

4 WHEREAS, MTBE has been an extensively used gas additive for octane  
5 enhancement since the phaseout of lead in the 1970s; and

6 WHEREAS, The 1990 Clean Air Act required that areas with the worst  
7 ground-level ozone air pollution, including the Washington D.C. and Baltimore City  
8 metropolitan areas, use reformulated gasoline to reduce air toxics emissions and  
9 pollutants that form ground-level ozone; and

10 WHEREAS, Recent studies indicate that MTBE, the most commonly used  
11 additive in reformulated gasoline, may be contaminating ground and surface water;  
12 and

13 WHEREAS, MTBE, due to its persistence and mobility in water, is more likely  
14 to contaminate ground and surface water than other components of gasoline; and

15 WHEREAS, The most likely sources contributing to the possible MTBE  
16 contamination of ground and surface water include leaking underground and  
17 aboveground petroleum storage tanks, accidental spills, atmospheric deposition,  
18 urban runoff, water craft, and residential usage of fuel; and

19 WHEREAS, Sampling done by the Maryland Department of the Environment  
20 indicates that MTBE is present in 66 out of 1,060 public water systems tested and  
21 data from leaking underground storage tank remediation activities indicate that 210  
22 domestic wells have been impacted by MTBE; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Environment**

26 SUBTITLE 6. TASK FORCE ON THE ENVIRONMENTAL EFFECTS OF MTBE.

27 14-601.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (B) "MTBE" MEANS METHYL TERTIARY-BUTYL ETHER.

31 (C) "TASK FORCE" MEANS THE TASK FORCE ON THE ENVIRONMENTAL  
32 EFFECTS OF MTBE.

33 14-602.

34 (A) THERE IS A TASK FORCE ON THE ENVIRONMENTAL EFFECTS OF MTBE.

1 (B) THE TASK FORCE SHALL:

2 (1) DETERMINE AND ASSESS THE ENVIRONMENTAL AND HEALTH RISKS  
3 ASSOCIATED WITH GROUND AND SURFACE WATER CONTAMINATION FROM MTBE;

4 (2) EXAMINE NATIONAL AND REGIONAL EFFORTS CONCERNING  
5 GROUND AND SURFACE WATER CONTAMINATION FROM MTBE; ~~AND~~

6 (3) RECOMMEND A PLAN TO MINIMIZE AND COUNTERACT THE  
7 ENVIRONMENTAL AND HEALTH RISKS ASSOCIATED WITH GROUND AND SURFACE  
8 WATER CONTAMINATION FROM MTBE; AND

9 (4) EXPLORE ALTERNATIVES TO MTBE, INCLUDING ETHANOL AND  
10 OXYGENATED FUEL, WHICH CAN BE USED FOR THE PURPOSE OF REFORMULATION  
11 OF GASOLINE TO REDUCE AIR TOXIC EMISSIONS AND POLLUTANTS THAT FORM  
12 GROUND LEVEL OZONE.

13 (C) THE TASK FORCE SHALL BE COMPOSED OF ~~15~~ 16 MEMBERS, AS FOLLOWS:

14 (1) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
15 SPEAKER OF THE HOUSE;

16 (2) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE  
17 PRESIDENT OF THE SENATE;

18 (3) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S  
19 DESIGNEE;

20 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE  
21 SECRETARY'S DESIGNEE;

22 (5) THE SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S  
23 DESIGNEE;

24 (6) ~~TWO REPRESENTATIVES~~ ONE REPRESENTATIVE FROM ~~PETROLEUM~~  
25 ~~MARKETING FIRMS~~ THE PETROLEUM INDUSTRY, APPOINTED BY THE GOVERNOR;

26 (7) ONE REPRESENTATIVE FROM A GASOLINE REFINING COMPANY;

27 ~~(7)~~ (8) TWO REPRESENTATIVES FROM LOCAL GOVERNMENT,  
28 APPOINTED BY THE GOVERNOR, AS FOLLOWS:

29 (I) ONE REPRESENTATIVE FROM AN URBAN LOCAL GOVERNMENT;  
30 AND

31 (II) ONE REPRESENTATIVE FROM A RURAL LOCAL GOVERNMENT;

32 ~~(8)~~ (9) TWO REPRESENTATIVES FROM ENVIRONMENTAL ACTION  
33 GROUPS, APPOINTED BY THE GOVERNOR;

1           ~~(9)~~    (10)    ONE REPRESENTATIVE FROM THE UNDERGROUND STORAGE  
2 TANK INDUSTRY, APPOINTED BY THE GOVERNOR; ~~AND~~

3           ~~(10)~~   (11)    ONE REPRESENTATIVE WITH A BACKGROUND IN  
4 ENVIRONMENTAL HEALTH RISK ASSESSMENT, APPOINTED BY THE GOVERNOR; AND

5           ~~(11)~~   (12)    ONE REPRESENTATIVE FROM THE ETHANOL INDUSTRY  
6 APPOINTED BY THE GOVERNOR.

7       (D)    (1)    THE MEMBERS OF THE TASK FORCE SHALL SELECT A CHAIRMAN  
8 FROM THE MEMBERSHIP OF THE TASK FORCE.

9           (2)    SEVEN MEMBERS OF THE TASK FORCE SHALL CONSTITUTE A  
10 QUORUM.

11          (3)    THE TASK FORCE SHALL DETERMINE THE TIME AND PLACE OF ITS  
12 MEETINGS.

13       (E)    (1)    A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION.

14          (2)    A MEMBER OF THE TASK FORCE IS ENTITLED TO REIMBURSEMENT  
15 FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED  
16 IN THE STATE BUDGET.

17       (F)    THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE STAFF  
18 SUPPORT TO THE TASK FORCE.

19       (G)    (1)    ON OR BEFORE ~~OCTOBER 1, 2001~~ DECEMBER 1, 2000, THE TASK FORCE  
20 SHALL SUBMIT A PRELIMINARY REPORT OF ITS FINDINGS AND RECOMMENDATIONS  
21 TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
22 TO THE GENERAL ASSEMBLY.

23          (2)    ON OR BEFORE ~~OCTOBER 1, 2002~~ DECEMBER 1, 2001, THE TASK FORCE  
24 SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE  
25 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
26 GENERAL ASSEMBLY.

27 ~~14-603.~~

28    ~~THE TASK FORCE SHALL BE FUNDED BY THE MARYLAND OIL DISASTER~~  
29 ~~CONTAINMENT, CLEAN UP, AND CONTINGENCY FUND UNDER § 4-411 OF THIS~~  
30 ~~ARTICLE.~~

31    ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on~~  
32 ~~the taking effect of Chapter \_\_\_\_\_ (S.B. \_\_\_\_\_/H.B. 457) of the Acts of the General~~  
33 ~~Assembly of 2000, and if Chapter \_\_\_\_\_ does not become effective, this Act shall be null~~  
34 ~~and void without the necessity of further action by the General Assembly.~~

35    ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That, except as provided in~~  
36 ~~Section 2 of this Act, this Act shall take effect July 1, 2000~~ this Act is an emergency

1 measure, is necessary for the immediate preservation of the public health and safety,  
2 has been passed by a yea or nay vote supported by three-fifths of all the members  
3 elected to each of the two Houses of the General Assembly, and shall take effect from  
4 the date it is enacted. It shall remain effective for a period of 3 years until July 1,  
5 2002 and, at the end of July 1, 2003 June 30, 2002, with no further action required by  
6 the General Assembly, this Act shall be abrogated and of no further force and effect.