
By: **Delegates Clagett, Zirkin, Love, Bronrott, Pitkin, Krysiak, Hurson,
Bobo, and Rosso**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

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; providing for the composition,
6 quorum, and meetings of the Task Force and for certain reimbursement of its
7 members; requiring the Task Force to submit certain reports by certain dates;
8 defining certain terms; making this Act contingent on the taking effect of
9 another Act; providing for the termination of this Act; and generally relating to
10 a Task Force on the Environmental Effects of MTBE.

11 BY adding to

12 Article - Environment

13 Section 14-601 through 14-603, inclusive, to be under the new subtitle "Subtitle

14 6. Task Force on the Environmental Effects of MTBE"

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 1999 Supplement)

17 **Preamble**

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

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

24 WHEREAS, Recent studies indicate that MTBE, the most commonly used
25 additive in reformulated gasoline, may be contaminating ground and surface water;
26 and

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

1 WHEREAS, the most likely sources contributing to the possible MTBE
2 contamination of ground and surface water include leaking underground and
3 aboveground petroleum storage tanks, atmospheric deposition, urban runoff, water
4 craft, and residential usage of fuel; and

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

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

11 **Article - Environment**

12 **SUBTITLE 6. TASK FORCE ON THE ENVIRONMENTAL EFFECTS OF MTBE.**

13 14-601.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

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

17 (C) "TASK FORCE" MEANS THE TASK FORCE ON THE ENVIRONMENTAL
18 EFFECTS OF MTBE.

19 14-602.

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

21 (B) THE TASK FORCE SHALL:

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

24 (2) EXAMINE NATIONAL AND REGIONAL EFFORTS CONCERNING
25 GROUND AND SURFACE WATER CONTAMINATION FROM MTBE; AND

26 (3) RECOMMEND A PLAN TO MINIMIZE AND COUNTERACT THE
27 ENVIRONMENTAL AND HEALTH RISKS ASSOCIATED WITH GROUND AND SURFACE
28 WATER CONTAMINATION FROM MTBE.

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

30 (1) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE
31 SPEAKER OF THE HOUSE;

32 (2) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE
33 PRESIDENT OF THE SENATE;

1 (3) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S
2 DESIGNEE;

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

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

7 (6) TWO REPRESENTATIVES FROM PETROLEUM MARKETING FIRMS,
8 APPOINTED BY THE GOVERNOR;

9 (7) TWO REPRESENTATIVES FROM LOCAL GOVERNMENT, APPOINTED BY
10 THE GOVERNOR, AS FOLLOWS:

11 (I) ONE REPRESENTATIVE FROM AN URBAN LOCAL GOVERNMENT;
12 AND

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

14 (8) TWO REPRESENTATIVES FROM ENVIRONMENTAL ACTION GROUPS,
15 APPOINTED BY THE GOVERNOR;

16 (9) ONE REPRESENTATIVE FROM THE UNDERGROUND STORAGE TANK
17 INDUSTRY, APPOINTED BY THE GOVERNOR; AND

18 (10) ONE REPRESENTATIVE WITH A BACKGROUND IN ENVIRONMENTAL
19 HEALTH RISK ASSESSMENT, APPOINTED BY THE GOVERNOR.

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

22 (2) SEVEN MEMBERS OF THE TASK FORCE SHALL CONSTITUTE A
23 QUORUM.

24 (3) THE TASK FORCE SHALL DETERMINE THE TIME AND PLACE OF ITS
25 MEETINGS.

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

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

30 (F) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE STAFF
31 SUPPORT TO THE TASK FORCE.

32 (G) (1) ON OR BEFORE OCTOBER 1, 2001, THE TASK FORCE SHALL SUBMIT A
33 PRELIMINARY REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE
34 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
35 GENERAL ASSEMBLY.

1 (2) ON OR BEFORE OCTOBER 1, 2002, THE TASK FORCE SHALL SUBMIT A
2 FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND,
3 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
4 ASSEMBLY.

5 14-603.

6 THE TASK FORCE SHALL BE FUNDED BY THE MARYLAND OIL DISASTER
7 CONTAINMENT, CLEAN-UP, AND CONTINGENCY FUND UNDER § 4-411 OF THIS
8 ARTICLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on
10 the taking effect of Chapter ____ (S.B. ____/H.B. 457) of the Acts of the General
11 Assembly of 2000, and if Chapter ____ does not become effective, this Act shall be null
12 and void without the necessity of further action by the General Assembly.

13 SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in
14 Section 2 of this Act, this Act shall take effect July 1, 2000. It shall remain effective for
15 a period of 3 years and, at the end of July 1, 2003, with no further action required by
16 the General Assembly, this Act shall be abrogated and of no further force and effect.