

HOUSE BILL 823
EMERGENCY BILL

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M3

2000 Regular Session
0lr0359

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

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2000

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"

16 Annotated Code of Maryland

17 (1996 Replacement Volume and 1999 Supplement)

18 **Preamble**

19 WHEREAS, MTBE has been an extensively used gas additive for octane

20 enhancement since the phaseout of lead in the 1970s; and

21 WHEREAS, The 1990 Clean Air Act required that areas with the worst

22 ground-level ozone air pollution, including the Washington D.C. and Baltimore City

1 metropolitan areas, use reformulated gasoline to reduce air toxics emissions and
2 pollutants that form ground-level ozone; and

3 WHEREAS, Recent studies indicate that MTBE, the most commonly used
4 additive in reformulated gasoline, may be contaminating ground and surface water;
5 and

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

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

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

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

18 **Article - Environment**

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

20 14-601.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

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

24 (C) "TASK FORCE" MEANS THE TASK FORCE ON THE ENVIRONMENTAL
25 EFFECTS OF MTBE.

26 14-602.

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

28 (B) THE TASK FORCE SHALL:

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

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

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

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

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

8 (1) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE
9 SPEAKER OF THE HOUSE;

10 (2) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE
11 PRESIDENT OF THE SENATE;

12 (3) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S
13 DESIGNEE;

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

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

18 (6) TWO REPRESENTATIVES FROM PETROLEUM MARKETING FIRMS,
19 APPOINTED BY THE GOVERNOR;

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

22 (I) ONE REPRESENTATIVE FROM AN URBAN LOCAL GOVERNMENT;
23 AND

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

25 (8) TWO REPRESENTATIVES FROM ENVIRONMENTAL ACTION GROUPS,
26 APPOINTED BY THE GOVERNOR;

27 (9) ONE REPRESENTATIVE FROM THE UNDERGROUND STORAGE TANK
28 INDUSTRY, APPOINTED BY THE GOVERNOR; ~~AND~~

29 (10) ONE REPRESENTATIVE WITH A BACKGROUND IN ENVIRONMENTAL
30 HEALTH RISK ASSESSMENT, APPOINTED BY THE GOVERNOR; AND

31 (11) ONE REPRESENTATIVE FROM THE ETHANOL INDUSTRY APPOINTED
32 BY THE GOVERNOR.

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

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

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

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

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

9 (F) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE STAFF
10 SUPPORT TO THE TASK FORCE.

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

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

19 ~~14-603.~~

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

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

27 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That, except as provided in~~
28 ~~Section 2 of this Act, this Act shall take effect July 1, 2000~~ this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health and safety,
30 has been passed by a ye or nay vote supported by three-fifths of all the members
31 elected to each of the two Houses of the General Assembly, and shall take effect from
32 the date it is enacted. It shall remain effective for a period of 3 years until July 1,
33 2002 and, at the end of ~~July 1, 2003~~ June 30, 2002, with no further action required by
34 the General Assembly, this Act shall be abrogated and of no further force and effect.

