
By: **Delegates Haddaway, Bromwell, Eckardt, Elmore, Kach, Myers, and Smigiel**

Introduced and read first time: February 2, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Gasoline Containing Methyl Tertiary Butyl Ether -**
3 **Prohibition**

4 FOR the purpose of prohibiting, on or after a certain date, a person from selling,
5 offering for sale, supplying, or offering for supply gasoline that contains more
6 than a certain amount of methyl tertiary butyl ether by volume; authorizing the
7 Department of the Environment to adopt certain regulations; adding ethanol
8 and other oxygenates to the definition of "oil" subject to regulation by the
9 Department; making a certain stylistic change; and generally relating to
10 prohibiting the sale of gasoline that contains methyl tertiary butyl ether.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 4-401(a) and (g)(1)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2004 Supplement)

16 BY adding to
17 Article - Environment
18 Section 4-404
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2004 Supplement)

21 Preamble

22 WHEREAS, Methyl tertiary butyl ether (MTBE), a volatile, flammable, colorless
23 liquid, has been added to gasoline since the phaseout of leaded gasoline in the late
24 1970s; and

25 WHEREAS, MTBE has been found in public water systems and wells
26 throughout the State; and

1 WHEREAS, MTBE creates not only quality-of-life issues, but has been
2 characterized by the U.S. Environmental Protection Agency as having the potential to
3 be a carcinogenic hazard to human health; and

4 WHEREAS, Renewable oxygenates, such as ethanol, are viable and effective
5 substitutes for MTBE; now, therefore,

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

8 **Article - Environment**

9 4-401.

10 (a) In this subtitle[,] the following words have the meanings indicated.

11 (g) (1) "Oil" means oil of any kind and in any liquid form including:

12 (i) Petroleum;

13 (ii) Petroleum by-products;

14 (iii) Fuel oil;

15 (iv) Sludge containing oil or oil residues;

16 (v) Oil refuse;

17 (vi) Oil mixed with or added to or otherwise contaminating soil,
18 waste, or any other liquid or solid media;

19 (vii) Crude oils;

20 (viii) Aviation fuel;

21 (ix) Gasoline;

22 (x) Kerosene;

23 (xi) Light and heavy fuel oils;

24 (xii) Diesel motor fuels;

25 (xiii) Asphalt; [and]

26 (xiv) ETHANOL AND OTHER OXYGENATES; AND

27 (XV) Regardless of specific gravity, every other nonedible,
28 nonsubstituted liquid petroleum fraction unless that fraction is specifically identified
29 as a hazardous substance under the Comprehensive Environmental Response,
30 Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq.

1 4-404.

2 (A) ON OR AFTER JANUARY 1, 2010, A PERSON MAY NOT SELL, OFFER FOR
3 SALE, SUPPLY, OR OFFER FOR SUPPLY GASOLINE THAT CONTAINS MORE THAN 0.5%
4 OF METHYL TERTIARY BUTYL ETHER BY VOLUME.

5 (B) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY FOR THE
6 IMPLEMENTATION OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.