

106TH CONGRESS
2D SESSION

S. 2233

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

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2000

Mr. FITZGERALD (for himself, Mr. BAYH, Mr. ABRAHAM, Mr. KOHL, Mr. GRASSLEY, Mr. DURBIN, Mr. BROWNBACK, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “MTBE Elimination
5 Act”.

6 **SEC. 2. FINDINGS; SENSE OF THE SENATE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) a single cup of MTBE, equal to the quan-
9 tity found in 1 gallon of gasoline oxygenated with

1 MTBE, renders all of the water in a 5,000,000-gal-
2 lon well undrinkable;

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

7 (A) readily attach to soil particles; or

8 (B) naturally degrade;

9 (3) the development of tumors and nervous sys-
10 tem disorders in mice and rats has been linked to
11 exposure to MTBE and tertiary butyl alcohol and
12 formaldehyde, which are 2 metabolic byproducts of
13 MTBE;

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

17 (A) result in maternal toxicity; and

18 (B) have possible adverse effects on a de-
19 veloping fetus;

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

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

7 (7) available information has shown that
8 MTBE significantly reduces the efficiency of tech-
9 nologies used to remediate water contaminated by
10 petroleum hydrocarbons;

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

14 (9) although several studies are being con-
15 ducted to assess possible methods to remediate
16 drinking water contaminated by MTBE, there have
17 been no engineering solutions to make such remedi-
18 ation cost-efficient and practicable;

19 (10) the remediation of drinking water contami-
20 nated by MTBE, involving the stripping of millions
21 of gallons of contaminated ground water, can cost
22 millions of dollars per municipality;

23 (11) the average cost of a single industrial
24 cleanup involving MTBE contamination is approxi-
25 mately \$150,000;

1 (12) the average cost of a single cleanup involv-
2 ing MTBE contamination that is conducted by a
3 small business or a homeowner is approximately
4 \$37,000;

5 (13) the reformulated gasoline program under
6 section 211(k) of the Clean Air Act (42 U.S.C.
7 7545(k)) has resulted in substantial reductions in
8 the emissions of a number of air pollutants from
9 motor vehicles, including volatile organic compounds,
10 carbon monoxide, and mobile-source toxic air pollut-
11 ants, including benzene;

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

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

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

23 (15) the Department of Agriculture concluded
24 that ethanol production and distribution could be ex-
25 panded to meet the needs of the reformulated gaso-

1 line program in 4 years, with negligible price im-
2 pacts and no interruptions in supply; and

3 (16) because the reformulated gasoline program
4 is a source of clean air benefits, and ethanol is a via-
5 ble alternative that provides air quality and eco-
6 nomic benefits, research and development efforts
7 should be directed to assess infrastructure and meet
8 other challenges necessary to allow ethanol use to
9 expand sufficiently to meet the requirements of the
10 reformulated gasoline program as the use of MTBE
11 is phased out.

12 (b) SENSE OF THE SENATE.—It is the sense of the
13 Senate that the Administrator of the Environmental Pro-
14 tection Agency should provide technical assistance, infor-
15 mation, and matching funds to help local communities—

16 (1) test drinking water supplies; and

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

24 (2) ELIGIBLE GRANTEE.—The term “eligible
25 grantee” means—

1 (A) a Federal research agency;

2 (B) a national laboratory;

3 (C) a college or university or a research
4 foundation maintained by a college or univer-
5 sity;

6 (D) a private research organization with
7 an established and demonstrated capacity to
8 perform research or technology transfer; or

9 (E) a State environmental research facility.

10 (3) MTBE.—The term “MTBE” means methyl
11 tertiary butyl ether.

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

13 Section 6 of the Toxic Substances Control Act (15
14 U.S.C. 2605) is amended by adding at the end the fol-
15 lowing:

16 “(f) USE OF METHYL TERTIARY BUTYL ETHER.—

17 “(1) PROHIBITION ON USE.—Effective begin-
18 ning on the date that is 3 years after the date of
19 enactment of this subsection, a person shall not use
20 methyl tertiary butyl ether as a fuel additive.

21 “(2) LABELING OF FUEL DISPENSING SYSTEMS
22 FOR MTBE.—Any person selling oxygenated gasoline
23 containing methyl tertiary butyl ether at retail shall
24 be required under regulations promulgated by the

1 Administrator to label the fuel dispensing system
2 with a notice that—

3 “(A) specifies that the gasoline contains
4 methyl tertiary butyl ether; and

5 “(B) provides such other information con-
6 cerning methyl tertiary butyl ether as the Ad-
7 ministrator determines to be appropriate.

8 “(3) REGULATIONS.—As soon as practicable
9 after the date of enactment of this subsection, the
10 Administrator shall establish a schedule that pro-
11 vides for an annual phased reduction in the quantity
12 of methyl tertiary butyl ether that may be used as
13 a fuel additive during the 3-year period beginning on
14 the date of enactment of this subsection.”.

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

17 (a) IN GENERAL.—

18 (1) ESTABLISHMENT.—There is established a
19 MTBE research grants program within the Environ-
20 mental Protection Agency.

21 (2) PURPOSE OF GRANTS.—The Administrator
22 may make a grant under this section to an eligible
23 grantee to pay the Federal share of the costs of re-
24 search on—

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

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

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

9 (b) ADMINISTRATION.—

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

12 (A) seek and accept proposals for grants;

13 (B) determine the relevance and merit of
14 proposals;

15 (C) award grants on the basis of merit,
16 quality, and relevance to advancing the pur-
17 poses for which a grant may be awarded under
18 subsection (a); and

19 (D) give priority to those proposals the ap-
20 plicants for which demonstrate the availability
21 of matching funds.

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

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000 for each of fiscal years 2001 through 2004.

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