



House of Representatives

General Assembly

File No. 271

February Session, 2000

Substitute House Bill No. 5558

House of Representatives, March 28, 2000

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning MTBE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 (NEW) The Department of Environmental Protection shall seek a
- 2 waiver from the United States Environmental Protection Agency for
- 3 the purpose of discontinuing the use of methyl tertiary butyl ether as a
- 4 gasoline additive in this state. Upon the date of approval of such
- 5 waiver, the use of methyl tertiary butyl ether as a gasoline additive
- 6 shall be prohibited in this state.

TRA Committee Vote: Yea 23 Nay 1 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost

Affected Agencies: Department of Environmental Protection

Municipal Impact: Indeterminate

Explanation

State and Municipal Impact:

It is anticipated that the Department of Environmental Protection (DEP) will require additional resources of between \$75,000 and \$100,000 or divert staff away from current duties. This is necessary for DEP to demonstrate to the Environmental Protection Agency (EPA) that methyl tertiary butyl ether (MTBE) must be taken out of gasoline and for developing regulations which will require air quality modeling to obtain a federal waiver.

Any future changes in the cost of gasoline to the state and municipalities due to a prohibition on the use of MTBE is indeterminate. Currently in Connecticut, the cost of MTBE is between 2 cents and 5 cents a gallon. The U. S. Department of Energy and the California Energy commission estimate that replacing MTBE with ethanol will increase the net cost of reformulated gasoline by 2.5 cents per gallon. The actual cost of delivering another additive to the state is unknown at this time.

OLR Bill Analysis

sHB 5558

AN ACT CONCERNING MTBE.

SUMMARY:

This bill requires the Department of Environmental Protection (DEP) to seek a federal waiver from the U.S. Environmental Protection Agency (EPA) for the purpose of discontinuing methyl tertiary butyl ether (MTBE) use as a gasoline additive in Connecticut. The use of MTBE in Connecticut would be banned when EPA approves the waiver.

EFFECTIVE DATE: October 1, 2000

BACKGROUND

MTBE and Clean Air Act Requirements for Reformulated Gasoline

MTBE is a chemical first added to gasoline to boost octane levels in fuels as a replacement for lead and more recently used in higher concentrations to increase oxygen levels in gasoline. Oxygenates like MTBE produce more complete fuel combustion and result in less carbon monoxide and ozone forming emissions. For several reasons MTBE has become the most practical oxygenating additive for use in most of the country.

Beginning in 1995, the federal Clean Air Act required implementation of a reformulated gasoline program in the nine worst ozone standard non-attainment areas in the country. This includes most of Connecticut. The act requires reformulated gasoline to contain a minimum oxygen content of 2%, by weight, all year round. According to a recent DEP study of MTBE use, approximately 95% of the gasoline sold in Connecticut contains MTBE as an oxygenate.

The EPA administrator has authority under the Clean Air Act to

control or prohibit a fuel or fuel additive when an emission product from it either (1) causes or contributes to air pollution that may reasonably be anticipated to endanger the public health or welfare or (2) will significantly impair the performance of an emission control device or system. The act also allows a state to prescribe and enforce a control or prohibition on a fuel or fuel additive if the EPA administrator finds that this action is necessary to achieve the national ambient air quality standard and the control or prohibition appears in the state implementation plan. This is commonly known as a "Section 211 waiver."

BACKGROUND

Related Bills

sSB 166 (File 111) was favorably reported by the Public Health Committee. It prohibits gasoline containing MTBE from being sold in Connecticut after September 30, 2001.

sSB 571 was favorably reported by the Environment Committee. It requires DEP, in conjunction with the Northeast Regional Fuels Task Force, to develop and implement a plan to eliminate MTBE as a gasoline additive by October 1, 2003. It also requires various petroleum associations to undertake a public education campaign regarding the proper handling of gasoline.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 23 Nay 1