



Senate

General Assembly

File No. 301

February Session, 2000

Substitute Senate Bill No. 571

Senate, March 29, 2000

The Committee on Environment reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning The Use Of MTBE.

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

1 Section 1. (NEW) (a) As used in this section, "MTBE" means the
2 gasoline additive methyl tertiary butyl ether.

3 (b) The Commissioner of Environmental Protection shall, in
4 conjunction with the Northeast Regional Fuels Task Force, develop
5 and implement a plan for the phase-out of the use of MTBE in a
6 manner that will eliminate MTBE as a gasoline additive on and after
7 October 1, 2003. Not later than January 1, 2001, and annually thereafter
8 through January 1, 2003, the commissioner shall report to the joint
9 standing committee of the General Assembly having cognizance of
10 matters relating to the environment on how the elimination of MTBE
11 will be achieved. Each report shall include a progress update on the
12 status of the regional efforts to reduce MTBE levels in gasoline.

13 (c) Beginning July 1, 2000, the Connecticut Petroleum Council, the

14 National Petrochemical and Refiners Association, the Oxygenated
15 Fuels Association, and the Independent Connecticut Petroleum
16 Association, under the direction of the Commissioner of
17 Environmental Protection, shall undertake an effective education
18 campaign directed at all users of gasoline, including, but not limited
19 to, homeowners, marine trades and businesses, about the proper
20 handling of gasoline. Said campaign shall include, but not be limited
21 to: (1) Warning at the point of sale about the proper handling of
22 gasoline; (2) instructions on portable gasoline containers sold after July
23 1, 2000, about the proper handling of gasoline; and (3) newspaper,
24 radio and television information advertisements.

25 Sec. 2. Section 22a-438 of the general statutes is amended by adding
26 subsection (d) as follows:

27 (NEW) (d) Any person who or municipality which wilfully or with
28 criminal negligence discharges gasoline in violation of any provision of
29 this chapter, shall be fined not more than fifty thousand dollars per
30 day for each day of violation or be imprisoned not more than three
31 years or both. A subsequent conviction for any such violation shall
32 carry a fine of not more than one hundred thousand dollars per day for
33 each day of violation or imprisonment for not more than ten years or
34 both. For the purposes of this subsection, person includes any
35 responsible corporate officer.

36 Sec. 3. Section 22a-450 of the general statutes is repealed and the
37 following is substituted in lieu thereof:

38 The master of any ship, boat, barge or other vessel, or the person in
39 charge of any terminal for the loading or unloading of any oil or
40 petroleum or chemical liquids or solid, liquid or gaseous products, or
41 hazardous wastes, or the person in charge of any establishment, or the
42 operator of any vehicle, trailer or other machine which by accident,
43 negligence or otherwise causes the discharge, spillage, uncontrolled
44 loss, seepage or filtration of oil or petroleum or chemical liquids or

45 solid, liquid or gaseous products, or hazardous wastes which poses a
46 potential threat to human health or the environment, shall
47 immediately report to the commissioner such facts as the
48 commissioner by regulation may require. Any such report shall
49 include, but not be limited to, the location, the quantity and the type of
50 substance, material or waste, the date and the cause of the discharge,
51 spillage, uncontrolled loss, seepage or filtration, the name and address
52 of the owner of the ship, boat, barge or other vessel, terminal,
53 establishment, vehicle, trailer or machine, and the name and address of
54 the person making the report and his relationship to the owner. Any
55 person who fails to make a report required by this section may be
56 fined not more than one thousand dollars and the employer of such
57 person may be fined not more than five thousand dollars, except that
58 any person who fails to make a report relating to the discharge,
59 spillage, uncontrolled loss, seepage or filtration of gasoline shall be
60 fined not more than five thousand dollars and the employer of such
61 person may be fined not more than ten thousand dollars.

62 Sec. 4. This act shall take effect July 1, 2000.

ENV Committee Vote: Yea 23 Nay 0 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: See Explanation Below

Affected Agencies: Department of Environmental Protection, Various Criminal Justice Agencies, Various

Municipal Impact: Indeterminate

Explanation

State and Municipal Impact:

It is anticipated that the Department of Environmental Protection (DEP) in conjunction with the Northeast Regional Fuels Task Force can work on a plan to eliminate MTBE by October 1, 2003, within available resources. However, if there is no federal action taken and the state needs to seek a waiver to implement the plan, it is anticipated that the DEP will require additional resources of between \$75,000 and \$100,000 or divert staff from current duties. This would be 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.

It is anticipated that the DEP can direct the petroleum industry groups to develop a public education campaign within existing agency resources.

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.

The bill could result in a minimal cost to various criminal justice agencies by establishing a first-time penalty of \$50,000 per day and up to 3 years imprisonment for anyone who willfully or with criminal negligence discharges gasoline, and for subsequent offenses the fine is up to \$100,000 per day and up to ten years imprisonment. The bill also increases the fines for failure to report discharges, spillage, uncontrolled loss, seepage or filtration of gasoline from \$1,000 to \$5,000 and from \$5,000 to \$10,000. Although the exact number of criminal cases that will result from the bill is unknown, it is anticipated that any additional cases introduced into the criminal justice system can be absorbed within the current budgetary and caseload management structure of the system. Any revenue gain from fines is not anticipated to be significant.

OLR Bill Analysis

sSB 571

AN ACT CONCERNING THE USE OF MTBE.**SUMMARY:**

This bill requires the Department of Environmental Protection (DEP), in conjunction with the Northeast Regional Fuels Task Force, to develop and implement a plan to eliminate methyl tertiary butyl ether (MTBE) as a gasoline additive by October 1, 2003. It requires DEP to report to the Environment Committee on the plan and regional efforts to reduce MTBE levels in gasoline by January 1, 2001 and annually thereafter through 2003.

The bill requires DEP to direct certain petroleum industry groups to develop a public education campaign regarding the proper handling of gasoline.

The bill establishes a penalty for anyone, including responsible corporate officials, who discharges gasoline willfully or with criminal negligence. The penalty for first time offenders is a fine up to \$50,000 per day and imprisonment for up to three years. For subsequent offences, the penalty is a fine up to \$100,000 per day and imprisonment for up to 10 years.

The bill increases, from \$1,000 to \$5,000, the fine for failing to report the discharge, spillage, uncontrolled loss, seepage, or filtration of gasoline. It increases the fine for the employer of someone who fails to report from \$5,000 to \$10,000.

EFFECTIVE DATE: July 1, 2000

EDUCATION PROGRAM***Proper Gasoline Handling Education Campaign***

The bill requires the following petroleum industry groups, under DEP's direction, to develop a public education campaign regarding the proper handling of gasoline:

1. Connecticut Petroleum Council,
2. National Petroleum Refiners Association,
3. Oxygenated Fuels Association, and
4. Independent Petroleum Council.

The campaign must be directed at homeowners, marine trades, businesses, and all other gasoline users. It must include (1) a warning about proper handling at the point of sale; (2) instructions regarding proper handling on portable gasoline containers; and (3) newspaper, radio, and television information advertisements.

BACKGROUND

Related Bills

sSB 166 (File 111), favorably reported by the Public Health Committee, prohibits the sale of gasoline containing MTBE after September 30, 2001.

sHB 5558 requires DEP to seek a federal waiver from the federal Environmental Protection Agency to stop using MTBE as a gasoline additive.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 0