

By Mr. Atsalis of Barnstable, of Demetrius J. Atsalis for legislation to ban the use of methyl tertiary butyl ether in gasoline. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT BANNING THE USE OF METHYL TERTIARY BUTYL ETHER IN GASOLINE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 94 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by adding the following section:—

3 Section 295X. (a) The following words and phrases as used in  
4 this section shall have the following meaning:

5 (1) “MTBE” shall mean the fuel additive methyl tertiary butyl  
6 ether.

7 (2) “Commissioner” shall mean the Commissioner of the Massa-  
8 chusetts Department of Environmental Protection.

9 (b) The Commissioner shall, in conjunction with the Northeast  
10 Regional Fuels Task Force, develop and implement a plan for the  
11 phase-out of the use of MTBE in a manner that will eliminate  
12 MTBE as an additive for gasoline, diesel, home heating oil, airplane  
13 gasoline and all other fuels on and after December 31, 2005. The  
14 Commissioner shall issue two (2) reports to the Joint Committee on  
15 Commerce and Labor of the General Court having cognizance of  
16 matters relating to commerce and the environment, on how the elim-  
17 ination of MTBE will be achieved, with the first report being issued  
18 by January 1, 2005; the second by July 1, 2005. Each report shall  
19 include a progress update on the status of state and regional efforts  
20 to eliminate MTBE in all fuels.

21 (c) The Commissioner shall, in consultation with the Northeast  
22 Regional Fuels Task Force, ensure that any fuel additive used in  
23 place of MTBE meet the air quality standards of the federal Refor-  
24 mulated Gasoline Phase II standards as of December 31, 2005.

25 (d) The Commissioner may grant waivers to gasoline suppliers  
26 concerning the restrictions of the Reformulated Gasoline Phase II air  
27 quality standards, but not to allow any use of MTBE.

28 (e) Sections (b), (c) and (d) of this legislation shall take effect  
29 contingent upon the Commonwealth gaining approval from the fed-  
30 eral Environmental Protection Agency to opt out of the Reformu-  
31 lated Gasoline program.