

HOUSE No. 692

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 SECTION 1. Chapter 94 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by adding the following section:—

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

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

6 (2) “Commissioner” shall mean the Commissioner of the Massachusetts
7 Department of Environmental Protection.

8 (b) The Commissioner shall, in conjunction with the Northeast Regional Fuels
9 Task Force, develop and implement a plan for the phaseout of the use of MTBE in a
10 manner that will eliminate MTBE as an additive for gasoline, diesel, home heating oil,
11 airplane gasoline and all other fuels on and after December 31, 2005. The Commissioner

12 shall issue two (2) reports to the Joint Committee on Commerce and Labor of the
13 General
14 Court having cognizance of matters relating to commerce and the environment, on how
15 the elimination of MTBE will be achieved, with the first report being issued by January
16 1, 2005; the second by July 1, 2005. Each report shall include a progress update on the
17 status of state and regional efforts to eliminate MTBE in all fuels.

18 (c) The Commissioner shall, in consultation with the Northeast Regional Fuels
19 Task Force, ensure that any fuel additive used in place of MTBE meet the air quality
20 standards of the federal Reformulated Gasoline Phase II standards as of December 31,
21 2005.

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

25 (e) Sections (b), (c) and (d) of this legislation shall take effect contingent upon the
26 Commonwealth gaining approval from the federal Environmental Protection Agency to
27 opt out of the Reformulated Gasoline program.