

108TH CONGRESS  
1ST SESSION

# H. R. 2136

To amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a gasoline additive and to repeal the oxygenate requirement for reformulated gasoline, to provide funding for the clean up of underground storage tanks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2003

Mr. KING of New York (for himself and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a gasoline additive and to repeal the oxygenate requirement for reformulated gasoline, to provide funding for the clean up of underground storage tanks, and for other purposes.

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. MTBE PROHIBITION.**

4       (a)    MTBE PROHIBITION.—Section 211(c) of the  
5       Clean Air Act (42 U.S.C. 7545(c)) is amended by adding  
6       at the end the following:

7           “(5) PROHIBITION ON USE OF MTBE.—

1                     “(A) IN GENERAL.—Subject to subparagraph (C), not later than 6 months after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State is prohibited.

6                     “(B) REGULATIONS.—The Administrator shall promulgate regulations to carry out the prohibition set forth in subparagraph (A).

9                     “(C) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow 10 trace quantities of methyl tertiary butyl ether, 11 not to exceed 0.5 percent by volume, to be 12 present in motor vehicle fuel in cases that the 13 Administrator determines to be appropriate.”.

15                     (b) NO EFFECT ON LAW CONCERNING STATE AUTHORITY.—The amendments made by subsection (a) have 16 no effect on the law in effect on the day before the date 17 of enactment of this Act regarding the authority of States 18 to limit the use of methyl tertiary butyl ether in motor 19 vehicle fuel.

21 **SEC. 2. ELIMINATION OF OXYGEN CONTENT REQUIREMENT  
22                     FOR REFORMULATED GASOLINE.**

23                     (a) REPEAL.—Section 211(k) of the Clean Air Act 24 (42 U.S.C. 7545(k)) is amended—  
25                         (1) in paragraph (2)—

5 (B) by striking subparagraph (B); and

6 (C) by redesignating subparagraphs (C)  
7 and (D) as subparagraphs (B) and (C), respec-  
8 tively;

9 (2) in paragraph (3)(A), by striking clause (v);

10 (3) in paragraph (7)—

11 (A) in subparagraph (A)—

12 (i) by striking clause (i); and  
13 (ii) by redesignating clauses (ii) and

15 and

16 (B) in subparagraph (C)—

17 (i) by striking clause (ii); and

18 (ii) by redesignating clause (iii) as  
19 clause (ii).

20 (b) EFFECTIVE DATE.—The amendments made by  
21 subsection (a) shall take effect on the date of enactment  
22 of this Act.

23 (c) MAINTENANCE OF TOXIC AIR POLLUTANT EMIS-  
24 SION REDUCTIONS.—Section 211(k)(1) of the Clean Air  
25 Act (42 U.S.C. 7545(k)(1)) is amended as follows:

4                           “(A) IN GENERAL.—Not later than No-  
5                           vember 15, 1991.”.

6 (2) By adding at the end the following:

7                   “(B) MAINTENANCE OF TOXIC AIR POL-  
8                   LUTANT EMISSIONS REDUCTIONS FROM REFOR-  
9                   MULATED GASOLINE.—

1 and 2000, determined on the basis of data  
2 collected by the Administrator with respect  
3 to the refinery or importer.

4 “(iii) STANDARDS APPLICABLE TO  
5 SPECIFIC REFINERIES OR IMPORTERS.—

6 “(I) APPLICABILITY OF STAND-  
7 ARDS.—For any calendar year, the  
8 standards applicable to a refinery or  
9 importer under clause (ii) shall apply  
10 to the quantity of gasoline produced  
11 or distributed by the refinery or im-  
12 porter in the calendar year only to the  
13 extent that the quantity is less than  
14 or equal to the average annual quan-  
15 tity of reformulated gasoline produced  
16 or distributed by the refinery or im-  
17 porter during calendar years 1999  
18 and 2000.

19 “(II) APPLICABILITY OF OTHER  
20 STANDARDS.—For any calendar year,  
21 the quantity of gasoline produced or  
22 distributed by a refinery or importer  
23 that is in excess of the quantity sub-  
24 ject to subclause (I) shall be subject  
25 to standards for toxic air pollutants



1 sions of toxic air pollutants in  
2 each PADD, based on retail sur-  
3vey data or data from other ap-  
4 propriate sources.

1                             “(bb) promulgate revisions  
2                             to the regulations promulgated  
3                             under clause (ii), to take effect  
4                             not earlier than 180 days but not  
5                             later than 270 days after the  
6                             date of promulgation, to provide  
7                             that, notwithstanding clause  
8                             (iii)(II), all reformulated gasoline  
9                             produced or distributed at each  
10                            refinery or importer shall meet  
11                            the standards applicable under  
12                            clause (ii) not later than April 1  
13                            of the year following the report  
14                            in subclause (II) and for subse-  
15                            quent years.

16                             “(vi) REGULATIONS TO CONTROL  
17                             HAZARDOUS AIR POLLUTANTS FROM  
18                             MOTOR VEHICLES AND MOTOR VEHICLE  
19                             FUELS.—Not later than July 1, 2004, the  
20                             Administrator shall promulgate final regu-  
21                             lations to control hazardous air pollutants  
22                             from motor vehicles and motor vehicle  
23                             fuels, as provided for in section 80.1045 of  
24                             title 40, Code of Federal Regulations (as

1                   in effect on the date of enactment of this  
2                   subparagraph).”.

3                   (d) CONSOLIDATION IN REFORMULATED GASOLINE  
4 REGULATIONS.—Not later than 180 days after the date  
5 of enactment of this Act, the Administrator of the Envi-  
6 ronmental Protection Agency shall revise the reformulated  
7 gasoline regulations under subpart D of part 80 of title  
8 40, Code of Federal Regulations, to consolidate the regula-  
9 tions applicable to VOC–Control Regions 1 and 2 under  
10 section 80.41 of that title by eliminating the less stringent  
11 requirements applicable to gasoline designated for VOC–  
12 Control Region 2 and instead applying the more stringent  
13 requirements applicable to gasoline designated for VOC–  
14 Control Region 1.

15                   (e) SAVINGS CLAUSE.—Nothing in this section is in-  
16 tended to affect or prejudice either any legal claims or ac-  
17 tions with respect to regulations promulgated by the Ad-  
18 ministrator of the Environmental Protection Agency prior  
19 to enactment of this Act regarding emissions of toxic air  
20 pollutants from motor vehicles or the adjustment of stand-  
21 ards applicable to a specific refinery or importer made  
22 under such prior regulations and the Administrator may  
23 apply such adjustments to the standards applicable to  
24 such refinery or importer under clause (iii)(I) of section  
25 211(k)(1)(B) of the Clean Air Act, except that—

### 23 SEC. 3. FUNDING FOR MTBE CONTAMINATION.

24 Notwithstanding any other provision of law, there is  
25 authorized to be appropriated to the Administrator of the

1 Environmental Protection Agency from the Leaking Un-  
2 derground Storage Tank Trust Fund not more than  
3 \$850,000,000 for the fiscal year period of fiscal years  
4 2004 through 2008.

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