

1 AN ACT concerning methyl tertiary butyl ether.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the MTBE  
5 Elimination Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) a single cup of MTBE, equal to the quantity found in  
8 one gallon of gasoline oxygenated with MTBE, renders all of  
9 the water in a 5,000,000-gallon well undrinkable;

10 (2) the physical properties of MTBE allow MTBE to pass  
11 easily from gasoline to air to water, or from gasoline  
12 directly to water, but MTBE does not readily attach to soil  
13 particles or naturally degrade;

14 (3) the development of tumors and nervous system  
15 disorders in mice and rats has been linked to exposure to  
16 MTBE and tertiary butyl alcohol and formaldehyde, which are  
17 2 metabolic byproducts of MTBE;

18 (4) reproductive and developmental studies of MTBE  
19 indicate that exposure of a pregnant female to MTBE through  
20 inhalation can result in maternal toxicity and have possible  
21 adverse effects on a developing fetus;

22 (5) the Health Effects Institute reported in February  
23 1996 that the studies of MTBE support its classification as a  
24 neurotoxicant and suggest that its primary effect is likely  
25 to be in the form of acute impairment;

26 (6) people with higher levels of MTBE in the bloodstream  
27 are significantly more likely to report more headaches, eye  
28 irritation, nausea, dizziness, burning of the nose and  
29 throat, coughing, disorientation, and vomiting, as compared  
30 with those who have lower levels of MTBE in the bloodstream;

31 (7) MTBE significantly reduces the efficiency of

1 technologies used to remediate water contaminated by  
2 petroleum hydrocarbons;

3 (8) the costs of remediation of MTBE water contamination  
4 throughout the United States could run into the billions of  
5 dollars;

6 (9) although several studies are being conducted to  
7 assess possible methods to remediate drinking water  
8 contaminated by MTBE, there are currently no engineering  
9 solutions to make such remediation cost effective and  
10 practicable;

11 (10) the remediation of drinking water contaminated by  
12 MTBE, involving the stripping of millions of gallons of  
13 contaminated ground water, can cost millions of dollars per  
14 municipality;

15 (11) the reformulated gasoline program under Section  
16 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) has resulted  
17 in substantial reductions in the emissions of a number of air  
18 pollutants from motor vehicles, including volatile organic  
19 compounds, carbon monoxide, and toxic air pollutants from  
20 mobile sources, including benzene;

21 (12) in assessing oxygenate alternatives, the Blue Ribbon  
22 Panel of the U.S. Environmental Protection Agency determined  
23 that ethanol, made from domestic grain and potentially from  
24 recycled biomass, is an effective fuel component that  
25 provides carbon monoxide emission benefits and high octane  
26 and appears to contribute to the reduction of the use of  
27 aromatics, providing reductions in emissions of toxic air  
28 pollutants and other air quality benefits;

29 (13) the U.S. Department of Agriculture concluded that  
30 ethanol production and distribution could be expanded to meet  
31 the needs of the reformulated gasoline program in 4 years,  
32 with negligible price impacts and no interruptions in supply;  
33 and

34 (14) because the reformulated gasoline program is a

1 source of clean air benefits, and ethanol is a viable  
2 alternative that provides air quality and economic benefits,  
3 research and development efforts should be directed to assess  
4 infrastructure and meet other challenges necessary to allow  
5 ethanol use to expand sufficiently to meet the requirements  
6 of the reformulated gasoline program as the use of MTBE is  
7 phased out.

8 Section 10. Definitions. As used in this Act:

9 "MTBE" means methyl tertiary butyl ether.

10 "Agency" means the Illinois Environmental Protection  
11 Agency.

12 Section 15. Local government assistance. The Illinois  
13 Environmental Protection Agency shall adopt all necessary  
14 rules to implement a program to provide technical assistance  
15 and information to units of local government, and, subject to  
16 appropriations from the General Assembly, the Agency shall  
17 make matching funds available to assist units of local  
18 government in testing drinking water supplies and in  
19 remediating drinking water contaminated with MTBE.

20 Section 20. MTBE prohibitions. Beginning 3 years after  
21 the effective date of this Act, no person shall use, sell,  
22 offer for sale, blend, or manufacture MTBE as a fuel additive  
23 in Illinois, nor shall any person transport fuel containing  
24 MTBE within or through the State of Illinois.

25 Section 25. Grants for research on MTBE ground water  
26 contamination and remediation.

27 (a) There is established a MTBE research grants program  
28 to be administered by the Agency. The Agency shall develop by  
29 rule a grant program to provide funding for the costs of  
30 research on the development of more cost effective and

1 accurate MTBE ground water testing methods and the  
2 development of more efficient and cost effective remediation  
3 procedures for water sources contaminated with MTBE.

4 (b) In making grants under this Section, the Director  
5 shall seek and accept proposals for grants, determine the  
6 relevance and merit of proposals, award grants on the basis  
7 of merit, quality, and relevance to advancing the purposes  
8 for which a grant may be awarded under subsection (a), and  
9 give priority to those proposals for which matching funds are  
10 available.

11 (c) Grants under this Section shall be awarded on a  
12 competitive basis.

13 (d) No grant under this Section shall have a term longer  
14 than 4 years.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.