

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 35

Session of  
2001

INTRODUCED BY CONTI, WAGNER, GREENLEAF, TOMLINSON, COSTA,  
TARTAGLIONE, LOGAN, STOUT, BOSCOLA, KUKOVICH, MOWERY, MUSTO,  
LAVALLE AND STACK, MARCH 19, 2001

REFERRED TO INTERGOVERNMENTAL AFFAIRS, MARCH 19, 2001

A RESOLUTION

1 Requesting that the Department of Environmental Protection  
2 immediately submit a formal request to the Environmental  
3 Protection Agency to exempt Pennsylvania from the liquid  
4 fuels oxygen content requirement provided under section  
5 211(k) of the Clean Air Act; and further requesting that the  
6 department immediately develop, publish and implement a  
7 response plan and/or regulations pertaining to methyl  
8 tertiary butyl ether (MTBE) pollution incidents and prepare  
9 and begin public presentations of an information program  
10 regarding MTBE pollution of ground and surface waters.

11 WHEREAS, The Constitution of the Commonwealth of Pennsylvania  
12 declares in part that the people have a right to clean air, pure  
13 water and the preservation of the natural, scenic, historical  
14 and esthetic values of the environment; and

15 WHEREAS, The United States Environmental Protection Agency in  
16 a 1987 memorandum, released in early 2000 by United States  
17 Representative Bob Franks, cited the contamination of water  
18 supplies by MTBE in four unidentified states; and

19 WHEREAS, The 1987 memorandum warned that MTBE's "tendency to  
20 separate from gasoline mixture into groundwater could lead to  
21 widespread drinking water contamination"; and

1       WHEREAS, Rutgers University researchers on February 25, 2000,  
2 announced their finding that MTBE clearly caused headaches, eye  
3 irritation and fatigue in some people; and

4       WHEREAS, The Clean Air Act Amendments of 1990 (Public Law  
5 101-549, 42 U.S.C. § 7401 et seq.) designate areas in  
6 Pennsylvania requiring the use of gasoline that has a 2% oxygen  
7 content by weight; and

8       WHEREAS, Refiners, in order to meet this requirement, blend  
9 MTBE into gasoline marketed in specific areas of this  
10 Commonwealth; therefore be it

11       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
12 request that the Department of Environmental Protection  
13 immediately submit a formal request to the United States  
14 Environmental Protection Agency to exempt Pennsylvania from the  
15 liquid fuels oxygen content requirement provided under section  
16 211(k) of the Clean Air Act (Public Law 101-549, 42 U.S.C. §  
17 7401 et seq.); and be it further

18       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
19 request that the Department of Environmental Protection  
20 immediately prepare, adopt and publish a formal response plan  
21 and/or regulations addressing MTBE pollution incidents; and be  
22 it further

23       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
24 request that the Department of Environmental Protection  
25 immediately prepare a public information program about MTBE, the  
26 extent and location of pollution occurrences involving it, its  
27 known and suspected effects on humans and the department's  
28 protocol for processing, resolving and remediating such  
29 occurrences.