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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 436 Session of  
2007

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INTRODUCED BY DERMODY, GEORGE, MAHONEY, MANN, SIPTROTH,  
GODSHALL, ROHRER, HARHAI, CALTAGIRONE, MELIO, JAMES,  
YOUNGBLOOD, FABRIZIO, CURRY, FREEMAN, HERSHEY, M. O'BRIEN,  
JOSEPHS, CREIGHTON, LEACH, PETRARCA, DALEY AND BENNINGTON,  
FEBRUARY 26, 2007

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 26, 2007

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AN ACT

1 Requiring the phaseout of methyl tertiary butyl ether as a  
2 gasoline additive; conferring powers and duties on the  
3 Department of Environmental Protection; and imposing  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Methyl  
9 Tertiary Butyl Ether Elimination Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Department." The Department of Environmental Protection of  
15 the Commonwealth.

16 "MTBE." The gasoline additive methyl tertiary butyl ether.

17 Section 3. Department of Environmental Protection.

1 The department has the following powers and duties:

2 (1) To oversee the phaseout under section 4.

3 (2) To submit an annual report on the progress of the  
4 phaseout under section 4 to the Environmental Resources and  
5 Energy Committee of the Senate and the Environmental  
6 Resources and Energy Committee of the House of  
7 Representatives.

8 (3) To prosecute violations of section 5.

9 Section 4. Phaseout.

10 Gasoline manufacturers and distributors shall phase out the  
11 use of MTBE over a five-year period.

12 Section 5. Criminal penalty.

13 (a) Prohibition.--

14 (1) Except as set forth in paragraph (2), a person may  
15 not knowingly, intentionally, recklessly or negligently do  
16 any of the following:

17 (i) Manufacture gasoline which contains MTBE.

18 (ii) Sell at retail gasoline which contains MTBE.

19 (2) Paragraph (1) does not apply if the amount of MTBE  
20 in the gasoline is less than or equal to 0.5% by volume.

21 (b) Grading.--

22 (1) Except as set forth in paragraph (2), a person that  
23 violates subsection (a) commits a misdemeanor of third  
24 degree.

25 (2) A person that, after being sentenced under paragraph  
26 (1), violates subsection (a) commits a misdemeanor of the  
27 second degree.

28 (3) Each sale under subsection (a)(1)(ii) constitutes a  
29 separate offense.

30 Section 20. Effective date.

1       This act shall take effect as follows:

2           (1) The following provisions shall take effect January  
3       1, 2011:

4           (i) Section 3(3).

5           (ii) Section 5.

6           (2) This section shall take effect immediately.

7           (3) The remainder of this act shall take effect in 60  
8       days.