
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 427 Session of
2003

INTRODUCED BY GODSHALL, HERSHEY, GEORGE, BARD, BROWNE, CAPPELLI,
CLYMER, CORRIGAN, COSTA, CRAHALLA, CREIGHTON, FAIRCHILD,
HALUSKA, HARHAI, HARPER, JAMES, LEH, MANN, McCALL, MCGILL,
S. MILLER, MYERS, NAILOR, PICKETT, RAYMOND, ROEBUCK, SATHER,
SCAVELLO, SCHRODER, SOLOBAY, WATSON, WILT, YOUNGBLOOD,
WASHINGTON AND CIVERA, FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 25, 2003

AN ACT

1 Prohibiting the sale or distribution of any gasoline containing
2 methyl tertiary butyl ether; requiring the Department of
3 Environmental Protection to report to the General Assembly;
4 providing for public notice of spill; and imposing a penalty.

5 The General Assembly finds and declares as follows:

6 (1) Section 27 of Article I of the Constitution of
7 Pennsylvania provides, among other things, that the people
8 have a right to clean air and water.

9 (2) This constitutional right gives the General Assembly
10 the authority to enact laws banning substances that threaten
11 the people's clean air and water.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Prohibition.

15 It shall be unlawful for any person to sell or distribute any
16 gasoline containing methyl tertiary butyl ether (MTBE).

1 Section 2. Penalty.

2 Any person who violates this act commits a misdemeanor of the
3 third degree and shall, upon conviction, be sentenced to pay a
4 fine of not more than \$1,000 per sale.

5 Section 3. Public notice of spill.

6 Following a confirmed release of any gasoline containing MBTE
7 or other regulated substances, persons required to perform
8 corrective action under 25 Pa.Code Ch. 245 (relating to
9 administration of the storage tank and spill prevention program)
10 when there has been a confirmed release of regulated substances
11 from a storage tank shall comply with the following requirements
12 for notifying the public and the Department of Environmental
13 Protection:

14 (1) Notice of the submission of a site characterization
15 report shall be submitted to the department. The department
16 shall publish an acknowledgment noting receipt of the site
17 characterization report in the Pennsylvania Bulletin. At the
18 same time a notice of the submission of a site
19 characterization report is submitted to the department, a
20 copy of the notice shall be provided to the municipality in
21 which the site is located and a summary of the notice shall
22 be published in a newspaper of general circulation serving
23 the area in which the site is located.

24 (2) Notice of the submission of a remedial action plan
25 shall be submitted to the department. The department shall
26 publish an acknowledgment noting receipt of the remedial
27 action plan in the Pennsylvania Bulletin. At the same time a
28 notice of the submission of a remedial action plan is
29 submitted to the department, a copy of the notice shall be
30 provided to the municipality in which the site is located and

1 a summary of the notice shall be published in a newspaper of
2 general circulation serving the area in which the site is
3 located.

4 Section 4. Report to General Assembly.

5 The Department of Environmental Protection shall, within six
6 months of the effective date of this act, report to the General
7 Assembly on the scope of MTBE contamination of water within this
8 Commonwealth. On or before March of each year, the department
9 shall report to the General Assembly on any MTBE contamination
10 of water in this Commonwealth and the Commonwealth's response to
11 the contamination.

12 Section 5. Effective date.

13 This act shall take effect as follows:

14 (1) Section 4 and this section shall take effect
15 immediately.

16 (2) The remainder of this act shall take effect January
17 1, 2004.