
A BILL FOR AN ACT

RELATING TO GASOLINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that methyl
2 tertiary-butyl ether is a chemical that is not regulated by
3 environmental regulations in the State and is known to have
4 contaminated extensive drinking water and groundwater resources
5 nationally. In July 1999, an Environmental Protection Agency
6 panel recommended that the use of methyl tertiary-butyl ether,
7 also known as tert-butyl methyl ether, should be reduced
8 substantially. Even prior to the Environmental Protection
9 Agency panel's findings, California announced a phase-out of
10 methyl tertiary-butyl ether in California gasoline by
11 December 2002.

12 Although reformulated gasoline is not required in Hawaii, a
13 1998 survey by the department of health's underground storage
14 tank section found that the presence of methyl tertiary-butyl
15 ether in Hawaii gasoline could not be ruled out. Therefore, as
16 of January 1, 1999, the department of health has required the
17 testing for methyl tertiary-butyl ether at petroleum release
18 sites involving gasoline. At this time, methyl tertiary-butyl



1 ether has not been found as a contaminant in drinking water as a
2 result of a release of gasoline at a regulated underground fuel
3 storage facility.

4 While methyl tertiary-butyl ether's incidence in Hawaii's
5 gasoline supply appears to be much less frequent than in other
6 regions of the country, it still poses a significant groundwater
7 contamination threat, especially in sensitive inland areas that
8 are watershed areas for drinking water supply aquifers, such as
9 Wahiawa and Mililani. The potential impact of contamination on
10 Hawaii's drinking water supplies could be significant and
11 costly.

12 Once methyl tertiary-butyl ether contaminates groundwater
13 resources, its removal is more expensive than the treatment of
14 other volatile organic compounds. The State could incur
15 significant costs as a result of environmental response actions
16 to a release and the treatment of our drinking water supplies.
17 Additional costs may be involved if alternative public drinking
18 water supplies need to be provided.

19 The legislature finds that methyl tertiary-butyl ether has
20 been listed as a probable animal carcinogen and possible human
21 carcinogen. Relatively low levels of the chemical in drinking
22 water can be tasted and smelled by susceptible individuals. The



1 taste has been characterized as "bitter," "turpentine-like," and
2 "nauseating." It is clear that the people of Hawaii will not
3 accept drinking water in which they can taste or smell methyl
4 tertiary-butyl ether, and treatment of a drinking water source
5 contaminated with the chemical will be very expensive.
6 Moreover, the chemical presents a threat to Hawaii's
7 groundwater, surface water, and drinking water systems.

8 The purpose of this Act is to require that levels of methyl
9 tertiary-butyl ether in gasoline imported or sold in the State
10 contain no more than .15 volume per cent of methyl
11 tertiary-butyl ether by January 1, 2009.

12 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
13 amended by adding a new section to part II to read as follows:

14 **"§486- Gasoline containing methyl tertiary-butyl ether;**

15 **reporting requirements; penalties.** (a) No distributor shall

16 sell or supply gasoline in the State that contains methyl

17 tertiary-butyl ether in concentrations greater than:

18 (1) 0.4 volume per cent starting July 1, 2007;

19 (2) 0.3 volume per cent starting January 1, 2008; and

20 (3) 0.15 volume per cent starting January 1, 2009.

21 (b) Beginning on December 31, 2007, and every twelve

22 months thereafter, each distributor shall file with the



1 administrator, on forms prescribed by the administrator, a
2 certified statement. The certified statement shall indicate the
3 following:

4 (1) The methyl tertiary-butyl ether concentration of
5 gasoline sold, supplied, or imported into the State,
6 using American Society of Testing and Materials
7 specification D 4815-99; and

8 (2) The ethyl tertiary-butyl ether and the tertiary amyl
9 methyl ether concentrations of the gasoline sold or
10 supplied or imported into the State.

11 (c) Any distributor who sells or supplies gasoline subject
12 to this section and who fails to timely submit a certified
13 statement required by subsection (b) shall be subject to a
14 penalty of up to \$25,000. Any distributor or person violating
15 the requirements of this section shall be subject to a fine of
16 not less than \$2 per gallon of nonconforming gasoline, up to a
17 maximum of \$25,000 per violation."

18 SECTION 3. Section 486-1, Hawaii Revised Statutes, is
19 amended by adding four new definitions to be appropriately
20 inserted and to read as follows:

21 "Distributor" has the same meaning as defined in section
22 486J-1.



1 "Gasoline" has the same meaning as defined in section
2 486H-1.

3 "Methyl tertiary-butyl ether" or "tert-butyl methyl ether"
4 means the substance the chemical composition of which is
5 (CH₃)₃COCH₃.

6 "Supply" or "supplied" means to provide or transfer a
7 product to a physically separate facility."

8 SECTION 4. Section 342L-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§342L-3 Powers; rulemaking; appointment of hearings**
11 **officers.** (a) The director may adopt, amend, and repeal
12 [~~state~~] rules controlling and regulating underground storage
13 tanks and tank systems. All rules shall be adopted pursuant to
14 chapter 91.

15 (b) In addition to other specific powers provided in this
16 chapter, the director may appoint, without regard to chapter 76,
17 hearings officers to conduct public participation activities
18 including public hearings and public informational meetings.

19 (c) The director may regulate the methyl tertiary-butyl
20 ether content in gasoline sold or supplied or imported for use
21 in the State. For purposes of this subsection, the terms



1 "methyl tertiary-butyl ether", "gasoline", and "supplied" shall
2 have the same meaning as defined in section 486-1."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

SB3182, SD1

Report Title:

Gasoline; Methyl Tertiary-butyl Ether

Description:

Requires a phased reduction of methyl tertiary-butyl ether in gasoline sold or imported in the State with levels no greater than .15 volume per cent by 1/1/09; eff. on approval. (SD1)

