

# 26:2C-8.22

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 192

**NJSA:** 26:2C-8.22 (Prohibits the sale of gasoline containing MTBE)

**BILL NO:** S2018 (Substituted for A3469)

**SPONSOR(S):** Sweeney and others

**DATE INTRODUCED:** November 8, 2004

**COMMITTEE:** **ASSEMBLY:** Budget  
**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 30, 2005

**SENATE:** June 27, 2005

**DATE OF APPROVAL:** August 18, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

### S2018

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### A3469

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

Yes

**NEWSPAPER ARTICLES:**

No

974.90 New Jersey. Legislature. Senate. Environment Committee.  
F953 Committee meeting on S 2018, held April 27, 2005, Trenton, NJ 2005  
2005

[PDF copy of hearing](#)

IS 9/12/07

P.L. 2005, CHAPTER 192, *approved August 18, 2005*  
Senate, No. 2018 (*First Reprint*)

1 AN ACT prohibiting the sale of gasoline containing Methyl Tertiary  
2 Butyl Ether, and supplementing P.L.1954, c.212 (C.26:2C-1 et  
3 seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Legislature finds and declares that methyl tertiary butyl  
9 ether, more commonly referred to as MTBE, <sup>1</sup>[has become a threat  
10 to] may threaten<sup>1</sup> drinking water supplies in the State and nationwide  
11 due to the properties of MTBE that make it highly soluble and rapidly  
12 transported into groundwater; that, although MTBE has become the  
13 most commonly used additive to fulfill the State's requirements  
14 pursuant to the federal "Clean Air Act Amendments of 1990," 42  
15 U.S.C.s.7403 et seq., it is not only the additive available to meet the  
16 federal requirements; that the Department of Environmental Protection  
17 began detecting trace amounts of MTBE in drinking water around the  
18 State in 1990 and, in 1996, the Department of Environmental  
19 Protection began requiring the testing of levels of MTBE in drinking  
20 water, even though it was not a federal requirement; and that, after  
21 serious study, in July 1999, the United States Environmental  
22 Protection Agency proposed that Congress authorize the reduction or  
23 elimination of the use of MTBE as a component of gasoline because  
24 it is found as a contaminant in drinking water supplies nationwide.

25 The Legislature therefore determines that in addition to the water  
26 testing currently conducted in the State and the investigation of  
27 remediation methods for existing contamination, it is of vital  
28 importance that <sup>1</sup>[no further contamination of drinking water]  
29 contamination of drinking water<sup>1</sup> from MTBE <sup>1</sup>not<sup>1</sup> occur in the State,  
30 and that the sale of gasoline containing MTBE must be prohibited in  
31 the State.  
32

33 2. As used in this act:

34 "Department" means the Department of Environmental Protection;  
35 "MTBE" means methyl tertiary butyl ether.  
36

37 3. a. No person shall <sup>1</sup>[manufacture, process, import or]<sup>1</sup>

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEN committee amendments adopted May 19, 2005.

1 distribute in commerce <sup>1</sup>for sale in the State<sup>1</sup>, gasoline which contains  
2 more than 0.5% MTBE by volume.

3 b. Any person who violates this act, or any rule or regulation  
4 adopted pursuant thereto, shall be subject to the provisions of section  
5 10 of P.L.1977, c.74 (C.58:10A-10).

6 <sup>1</sup>c. Nothing in this act shall prohibit the manufacture, processing,  
7 or importation within the State of gasoline that contains more than  
8 0.5% MTBE by volume for distribution in commerce outside the  
9 State.<sup>1</sup>

10

11 4. The department shall adopt, pursuant to the "Administrative  
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
13 regulations necessary to implement the provisions of this act.

14

15 5. This act shall take effect immediately, except that section 3 of  
16 this act shall take effect on <sup>1</sup>[January 1, 2008] January 1, 2009<sup>1</sup>.

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21 Prohibits the sale of gasoline containing MTBE.

**SENATE, No. 2018**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2004

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Senators Bark and Littell**

**SYNOPSIS**

Prohibits the sale of gasoline containing MTBE.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/13/2005)**

1 AN ACT prohibiting the sale of gasoline containing Methyl Tertiary  
2 Butyl Ether, and supplementing P.L.1954, c.212 (C.26:2C-1 et  
3 seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Legislature finds and declares that methyl tertiary butyl  
9 ether, more commonly referred to as MTBE, has become a threat to  
10 drinking water supplies in the State and nationwide due to the  
11 properties of MTBE that make it highly soluble and rapidly  
12 transported into groundwater; that, although MTBE has become the  
13 most commonly used additive to fulfill the State's requirements  
14 pursuant to the federal "Clean Air Act Amendments of 1990," 42  
15 U.S.C.s.7403 et seq., it is not only the additive available to meet the  
16 federal requirements; that the Department of Environmental Protection  
17 began detecting trace amounts of MTBE in drinking water around the  
18 State in 1990 and, in 1996, the Department of Environmental  
19 Protection began requiring the testing of levels of MTBE in drinking  
20 water, even though it was not a federal requirement; and that, after  
21 serious study, in July 1999, the United States Environmental  
22 Protection Agency proposed that Congress authorize the reduction or  
23 elimination of the use of MTBE as a component of gasoline because  
24 it is found as a contaminant in drinking water supplies nationwide.

25 The Legislature therefore determines that in addition to the water  
26 testing currently conducted in the State and the investigation of  
27 remediation methods for existing contamination, it is of vital  
28 importance that no further contamination of drinking water from  
29 MTBE occur in the State, and that the sale of gasoline containing  
30 MTBE must be prohibited in the State.  
31

32 2. As used in this act:

33 "Department" means the Department of Environmental Protection;

34 "MTBE" means methyl tertiary butyl ether.  
35

36 3. a. No person shall manufacture, process, import or distribute in  
37 commerce, gasoline which contains more than 0.5% MTBE by volume.

38 b. Any person who violates this act, or any rule or regulation  
39 adopted pursuant thereto, shall be subject to the provisions of section  
40 10 of P.L.1977, c.74 (C.58:10A-10).  
41

42 4. The department shall adopt, pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
44 regulations necessary to implement the provisions of this act.

**S2018 SWEENEY**

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1       5. This act shall take effect immediately, except that section 3 of  
2 this act shall take effect on January 1, 2008.

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STATEMENT

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7       This bill would prohibit the sale of gasoline containing more than  
8 0.5% in volume of methyl tertiary butyl ether, more commonly  
9 referred to as "MTBE," in the State, beginning on January 1, 2008.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 2018**

**STATE OF NEW JERSEY**

DATED: JUNE 29, 2005

The Assembly Budget Committee reports favorably Senate Bill No. 2018 (1R).

Senate Bill No. 2018 (1R) prohibits any person from distributing in commerce for sale in the State, gasoline containing more than 0.5% in volume of methyl tertiary butyl ether, more commonly referred to as "MTBE," beginning on January 1, 2009.

The bill deletes the prohibition on the manufacture, processing, or importation of gasoline containing more than 0.5% in volume of MTBE in the State, and clarifies that nothing in the act would prohibit the manufacture, processing, or importation within the State of gasoline that contains more than 0.5% MTBE by volume for distribution in commerce outside the State. The effective date of the bill is January 1, 2009 for the prohibition.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.



# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2018**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 19, 2005

The Senate Environment Committee favorably reports Senate Bill No. 2018 with committee amendments.

As amended, this bill would prohibit any person from distributing in commerce for sale in the State, gasoline containing more than 0.5% in volume of methyl tertiary butyl ether, more commonly referred to as "MTBE," beginning on January 1, 2009.

The committee amendments would make changes to the bill's findings, delete the prohibition on the manufacture, processing, or importation of gasoline containing more than 0.5% in volume of MTBE in the State, and would clarify that nothing in the act would prohibit the manufacture, processing, or importation within the State of gasoline that contains more than 0.5% MTBE by volume for distribution in commerce outside the State. Finally, the committee amendments extend the date on which the prohibition would take effect from January 1, 2008 to January 1, 2009.

# ASSEMBLY, No. 3469

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED NOVEMBER 4, 2004

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman DAVID R. MAYER**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Chatzidakis, Bodine and Assemblywoman McHose**

**SYNOPSIS**

Prohibits the sale of gasoline containing MTBE.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/17/2005)**

1 AN ACT prohibiting the sale of gasoline containing Methyl Tertiary  
2 Butyl Ether, and supplementing P.L.1954, c.212 (C.26:2C-1 et  
3 seq.).

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that methyl tertiary butyl  
9 ether, more commonly referred to as MTBE, has become a threat to  
10 drinking water supplies in the State and nationwide due to the  
11 properties of MTBE that make it highly soluble and rapidly  
12 transported into groundwater; that, although MTBE has become the  
13 most commonly used additive to fulfill the State's requirements  
14 pursuant to the federal "Clean Air Act Amendments of 1990," 42  
15 U.S.C.s.7403 et seq., it is not only the additive available to meet the  
16 federal requirements; that the Department of Environmental Protection  
17 began detecting trace amounts of MTBE in drinking water around the  
18 State in 1990 and, in 1996, the Department of Environmental  
19 Protection began requiring the testing of levels of MTBE in drinking  
20 water, even though it was not a federal requirement; and that, after  
21 serious study, in July 1999, the United States Environmental  
22 Protection Agency proposed that Congress authorize the reduction or  
23 elimination of the use of MTBE as a component of gasoline because  
24 it is found as a contaminant in drinking water supplies nationwide.

25 The Legislature therefore determines that in addition to the water  
26 testing currently conducted in the State and the investigation of  
27 remediation methods for existing contamination, it is of vital  
28 importance that no further contamination of drinking water from  
29 MTBE occur in the State, and that the sale of gasoline containing  
30 MTBE must be prohibited in the State.

31  
32 2. As used in this act:

33 "Department" means the Department of Environmental Protection;  
34 "MTBE" means methyl tertiary butyl ether.

35  
36 3. a. No person shall manufacture, process, import or distribute in  
37 commerce, gasoline which contains more than 0.5% MTBE by volume.

38 b. Any person who violates this act, or any rule or regulation  
39 adopted pursuant thereto, shall be subject to the provisions of section  
40 10 of P.L.1977, c.74 (C.58:10A-10).

41  
42 4. The department shall adopt, pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
44 regulations necessary to implement the provisions of this act.

1       5. This act shall take effect immediately, except that section 3 of  
2 this act shall take effect on January 1, 2008.

3

4

5

STATEMENT

6

7       This bill would prohibit the sale of gasoline containing more than  
8 0.5% in volume of methyl tertiary butyl ether, more commonly  
9 referred to as "MTBE," in the State, beginning on January 1, 2008.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3469**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 29, 2005

The Assembly Budget Committee reports favorably Assembly Bill No. 3469, with committee amendments.

This bill, as amended, prohibits any person from distributing in commerce for sale in the State, gasoline containing more than 0.5% in volume of methyl tertiary butyl ether, more commonly referred to as "MTBE," beginning on January 1, 2009.

As amended and reported, Assembly Bill No. 3469 is identical to Senate Bill No. 2018 [1R], as also reported.

#### COMMITTEE AMENDMENTS:

The committee amendments make changes to the bill's findings, delete the prohibition on the manufacture, processing, or importation of gasoline containing more than 0.5% in volume of MTBE in the State, and would clarify that nothing in the act would prohibit the manufacture, processing, or importation within the State of gasoline that contains more than 0.5% MTBE by volume for distribution in commerce outside the State. Finally, the committee amendments extend the date on which the prohibition would take effect from January 1, 2008 to January 1, 2009.

#### FISCAL IMPACT:

This bill was not certified for a fiscal note.