Bill as Introduced

HJR 24 – AS INTRODUCED

2000 SESSION

00-2761
08/01

HOUSE JOINT RESOLUTION *24*

A RESOLUTION urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.

SPONSORS: Rep. Bradley, Carr 8; Rep. MacGillivray, Hills 21; Rep. Norelli, Rock 31; Rep. Maxfield, Merr 9; Rep. M. Downing, Rock 26; Sen. Wheeler, Dist 21; Sen. Below, Dist 5; Sen. Johnson, Dist 3

COMMITTEE: Science, Technology and Energy

ANALYSIS

This house joint resolution urges the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE, and to eliminate Clean Air Act requirements for oxygenates in gasoline.

This house joint resolution is a request of the study committee established by 1999, 55.

HJR 24 – AS INTRODUCED

00-2761
08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

Whereas, state by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Congress should eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Environmental Protection Agency should encourage the United States Congress to eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to develop and approve a consistent, effective specification for gasoline containing significantly less or no MTBE; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

Amendments

Rep. MacGillivray, Hills. 21
March 8, 2000
2000-3671h
08/09

Amendment to HJR 24

Amend the title of the resolution by replacing it with the following:

A RESOLUTION urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

Amend the resolution by replacing all after the title with the following:

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

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That the United States Environmental Protection Agency should encourage the United States Congress to promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

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2000-3671h

AMENDED ANALYSIS

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This house joint resolution is a request of the study committee established by 1999, 55.

Rep. MacGillivray, Hills. 21
March 8, 2000
2000-3671h
08/09

IF this amendment is adopted by the Committee, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

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2000-3671h

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This house joint resolution is a request of the study committee established by 1999, 55.

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HJR 24

BILL TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.

DATE: January 18, 2000

LOB ROOM: 304 **Time Public Hearing Called to Order:** 2:15 pm

Time Adjourned: 2:45 pm

(please circle if present)

Committee Members: Reps. J. Bradley, Guay, Rosen, Ham, Howard, Thomas, D. White, Maxfield, Tufts, Arnold, Eaton, Varrell, Grant, MacGillivray, Norelli, Lynde, Pitts, Kaen, Gilmore, Bergeron, Densmore and Moriarty.

Bill Sponsors: Reps. Bradley, MacGillivray, Norelli, Maxfield, Dowing, Wheeler and Sens. Below and Johnson.

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Bradley – supports bill.

Rep. MacGillivray – Including the northeastern states is helpful to our cause. Bill is a request of MtBE committee.

Rep. Lynde – wants more definitive requests/requirements from the language.

David Harrington, A.P.I. – supports bill.

***Ken Colburn, NH DES** – submitted written testimony from Robert W. Varney. Supports bill. DES has asked for waver from feds. No simple answer to solve the MtBE problem, other than federal action. Supports regional direction. (Ethanol people in Congress want reformulated gas to continue). 60 Minutes will be made available-they did not talk about boats program.

Rep. MacGillivray – data request on RFG gas.

Respectfully Submitted:

Jessica E. Densmore, Clerk



HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HJR 24

BILL TITLE: **urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.**

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Not Here Sorry

Bill Sponsors: Reps. Bradley, MacGillivray, Norelli, Maxfield, Downing, Wheeler, Sens. Below and Johnson.

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Rep Bradley - supports & to Rep MacGillivray
- Rep MacGillivray
  including the Northeastern states is helpful to our cause
  Bill is a request of MtBE committee
  ? Rep Lynde wants more definitive requests/Requirements from the Language
- David Harrington - A.P.I - support
- * Ken Coburn - NHDES - written (Robert W. Varney)
  Support
  DES has asked for waiver from Feds
  No simple Answer to solve the MtBE problem - other than Fed Action
  Supports regional direction
  (ethanol people in Congress want reformulated gas to continue)
  60 min will be made Available - they did not talk about boats
  Program

Rep MacGillivray - Data Request on RFG Gas

Sub-Committee Actions

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HJR 24

BILL TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxegenates in gasoline.

DATE: March 8, 2000

Subcommittee Members: Reps. White, Moriarty, Norelli, Grant, Varrell and MacGillivray

Comments and Recommendations:

Amendments:

Sponsor: Rep. MacGillivray	OLS Document #:	2000	3671h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, (OTP/A,) ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 6-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Terie T. Norelli
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HJR 24

BILL TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states andgasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxegenates in gasoline.

DATE: {Type DATE} March 8, 2000

Subcommittee Members: Reps. {Type NAMES} White, Moriarty, Norelli, Grant, Varrell, MacGillivray

Comments and Recommendations:

Amendments:

Sponsor: Rep. MacGillivray OLS Document #: 2000 - 3671h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 6-0 to adopt to pass w/amendment.

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

Lene Norelli.

Sub-Committee Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HJR 24

BILL TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.

DATE: February 23, 2000

Subcommittee Members: Reps. Varrell, Grant, MacGillivray, Bergeron, Lynde, Moriarty, Densmore, Bradley and Norelli

Comments and Recommendations: Discussion of bill as introduced. Amendment to be prepared for next work session with minor changes.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Terie T. Norelli
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HJR 24

BILL TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states andgasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxegenates in gasoline.

DATE: ~~{Type DATE}~~ 2-23-00

Subcommittee Members: Reps. {Type NAMES} Varrell, Grant, MacGillivray, Bergeron, Lynde, Moriarty, Densmore, Bradley, Norelli

Comments and Recommendations: discussion of bill as introduced - amendment to be prepared for next worksession w/ minor changes.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

Sara Norelli

Testimony

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381

January 18, 2000

The Honorable Jeb Bradley, Chair
House Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, New Hampshire 03301

Re: HJR 24 – A resolution urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MtBE and to eliminate the Clean Air Act requirement for oxygenates in gasoline

Dear Chairman Bradley and Members of the Committee:

Thank you for this opportunity to testify in support of HJR 24. As you know, the New Hampshire Department of Environmental Services (DES) has been directly involved with issues concerning the gasoline additive methyl tertiary-butyl ether (MtBE) over the last two years, and has worked closely with the Legislature to assist it in making informed and prudent policy decisions within the context of existing federal law.

As you also know, Governor Shaheen and Maine Governor Angus King have recognized that the Northeast's regional fuel distribution infrastructure requires that fuel issues be addressed on a regional basis. As a result, they joined together in a November 1999 letter to their colleagues throughout the Northeast suggesting a multi-state initiative to consider a comprehensive regional fuel solution, covering all fuel issues and including both gasoline and diesel fuels. An initial meeting to launch this effort has been held, with many of the Northeast states, the gasoline refining and distribution industry, and the U.S. Environmental Protection Agency (EPA) participating. Involvement of environmental organizations and other interested parties is anticipated as this effort moves forward. DES believes HJR 24 is a strong legislative statement encouraging this regional approach.

The issues surrounding MtBE are complex and have diverse – often conflicting – health implications. The House Science, Technology and Energy Committee worked diligently to study this difficult issue and craft an effective legislative response during the 1999 session. Consistent with its legislative direction, DES has requested from the U.S. Environmental Protection Agency (EPA) an as-yet-unanswered, temporary waiver of the federal requirements that effectively mandate the use of MtBE. Even more importantly, following a comprehensive review of the available scientific knowledge and an extremely thorough health risk assessment by the Department of Health & Human Services (DHHS), DES last week proposed a new, much more protective drinking water standard for MtBE.

In assessing the variety of MtBE-related bills that were introduced in the 1999 session, it rapidly became clear that there was no simple, quick resolution to reducing the concentration of MtBE in gasoline. The most prohibitive obstacle, however, was found to be language within the federal Clean Air Act (CAA) requiring that reformulated gasoline (RFG) include 2% oxygen by weight. This requirement is often referred to as the "oxygenate mandate." RFG is used successfully in many areas, including southern New Hampshire, to reduce air pollution. Although other oxygenates can be used to formulate RFG, MtBE has been used by most refiners serving the Northeast due to its cost-effectiveness and desirable blending characteristics.

Since the 1999 session ended, two comprehensive studies on the use of MtBE as a gasoline additive have been released, one by the National Blue Ribbon Panel on MtBE, a panel of experts commissioned by EPA, and one by the Northeast States for Coordinated Air Use Management (NESCAUM) at Governor Shaheen's request on behalf of the New England Governors' Conference. Chief among the recommendations of these comprehensive studies was that the oxygenate mandate for RFG should be eliminated.

DES concurs with this finding, and in order to eliminate any doubt, recommends a technical amendment to HJR 24 to make specific reference to applicable sections of the CAA. The oxygenate mandate actually appears in two sections of the CAA relative to RFG, Section 211(k)(2)(B), which provides general requirements, and Section 211(k)(3)(A)(v), which provides more detailed information on fuel formulations. The oxygenate mandate also appears in Section 211(m)(2) relative to oxygenated gasoline as a strategy for carbon monoxide nonattainment areas, which may be outside the scope of this resolution.

In addition to eliminating the oxygenate mandate, both major studies recommended that any regulatory changes in the formulation of gasoline should be applied on a large, regional basis and with appropriate lead time for the industry to respond. By accentuating these two important points, HJR 24 not only concurs with these conclusions, it sends a strong message from New Hampshire's Legislature that in order for fuel formulation concerns to be resolved, action at the federal level – both by Congress and EPA – is necessary.

Thank you again for the opportunity to offer DES's support for HJR 24. Please contact me at 271-3503 with any questions you may have.

Sincerely,

Robert W. Varney
Commissioner

cc: Rep. Jeb Bradley (as co-sponsor)
Rep. Jeffrey MacGillivray
Rep. Terie Norelli
Rep. Roy Maxfield
Rep. Michael Downing
Sen. Katherine Wheeler
Sen. Clifton Below
Sen. Carl Johnson

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HJR 24

BILL TITLE: **urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.**

DATE: March 8, 2000

LOB ROOM: 304

Amendments:

Sponsor: Rep. MacGillivray	OLS Document #:	2000	3671
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Norelli

Seconded by Rep. Maxfield

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 15-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ralph J. Rosen, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HJR 24

BILL TITLE: **urging the United Sttes Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.**

DATE: {Type DATE} 8 March

LOB ROOM: {Type ROOM NO.} 304

Blumb
Maxfield

Amendments:

Sponsor: Rep. Mac Gallivray OLS Document #: 3671

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

15 - 0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Norelli

Seconded by Rep. Maxfield

Vote: (Please attach record of roll call vote.)

15 - 0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Yes 15-0

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

OFFICE OF THE HOUSE CLERK 2000 SESSION

SCIENCE, TECHNOLOGY AND ENERGY

Bill #: HJR-24 **Title:** Amend. 3671h

PH Date: ___/___/___ **Exec Session Date:** 8/1/March 2000

Motion: OTP OTP Amendment Amendment #: Bill – OTP/A

MEMBER	YEAS (Yea)	NAYS (Nay)	YEAS (Yea)	NAYS (Nay)
Bradley, Jeb E, Chairman	✓		✓	
Guay, Lawrence J, V Chairman	✓		✓	
Rosen, Ralph J, Clerk	✓		✓	
Ham, Bonnie D –				
Howard, Godfrey G	✓		✓	
Thomas, John H	✓		✓	
White, Donald B	✓		✓	
Maxfield, Roy D	✓		✓	
Tufts, J Arthur	✓		✓	
Arnold, Thomas I	✓		✓	
Eaton, Stephanie –				
Varrell, Thomas A –				
Grant, Kenneth R	✓		✓	
MacGillivray, Jeffrey C	✓		✓	
Norelli, Terie T	✓		✓	
Lynde, Harold V	✓		✓	
Pitts, Jacqueline A –				
Kaen, Naida L	✓		✓	
Gilmore, Gary R –				
Bergeron, Lucien G	✓		✓	
Densmore, Jessica E –				
Moriarty, Mary M –				
	15 – 0		15 – 0	

TOTAL VOTE:
Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Science, Technology and Energy**

BILL NUMBER: **HJR 24**

TITLE: urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline.

DATE: March 8, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The issues surrounding Methyl tertiary-butyl ether (MtBE) are complex and have diverse and often conflicting health implications. The committee worked diligently to study this difficult issue and craft and effective legislative response during the 1999 session. The greatest obstacle to reducing the concentration of MtBE in gasoline is found in the Federal Clean Air Act, which requires that reformulated gasoline include 2% oxygen, by weight. Reformulated gasoline is required and used successfully in Southern NH to reduce air pollution. Although other oxygenates can be used in reformulated gasoline, MtBE has been used by most refineries serving the Northeast due to its cost effectiveness and desirable blending characteristics. In 1999 the legislature passed SB 70 which established initial state guidelines for MtBE. Since our 1999 session ended, two comprehensive studies on the use of MtBE have been released. Chief among the recommendations by a blue ribbon EPA panel based on these studies, was that the oxygenate mandate for reformulated gasoline should be eliminated. This joint resolution urges the United States Congress to eliminate the oxygenate mandate in the Clean Air Act.

Vote 15-0.

Rep. Roy D. Maxfield
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

Science, Technology and Energy

HJR 24, Urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MtBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. OUGHT TO PASS WITH AMENDMENT

Rep. Roy D. Maxfield for Science, Technology and Energy: The issues surrounding Methyl tertiary-butyl ether (MtBE) are complex and have diverse and often conflicting health implications. The committee worked diligently to study this difficult issue and craft and effective legislative response during the 1999 session. The greatest obstacle to reducing the concentration of MtBE in gasoline is found in the Federal Clean Air Act, which requires that reformulated gasoline include 2% oxygen, by weight. Reformulated gasoline is required and used successfully in Southern NH to reduce air pollution. Although other oxygenates can be used in reformulated gasoline, MtBE has been used by most refineries serving the Northeast due to its cost effectiveness and desirable blending characteristics. In 1999 the legislature passed SB 70 which established initial state guidelines for MtBE. Since our 1999 session ended, two comprehensive studies on the use of MtBE have been released. Chief among the recommendations by a blue ribbon EPA panel based on these studies, was that the oxygenate mandate for reformulated gasoline should be eliminated. This joint resolution urges the United States Congress to eliminate the oxygenate mandate in the Clean Air Act. Vote 15-0.