



Legislation Text

File #: Res 1241-2000, Version: *

Res. No. 1241

Resolution calling upon the New York State Senate to pass S.6137-A, which would ban the sale of gasoline containing the additive methyl tertiary butyl ether (MTBE), and Governor George E. Pataki to sign this bill into law.

By Council Members Michels, Spigner, Sabini, Carrion, Malave-Dilan, Freed, Linares, Lopez, Quinn and Rodriguez; also Council Members Cruz, Fisher, Harrison, Koslowitz, Leffler, Nelson, Pinkett, Robinson and Wooten

Whereas, Under Section 211(k) of the Clean Air Act Amendments of 1990, numerous areas with poor air quality are required to add chemicals called "oxygenates" to gasoline as a means of improving combustion and thus reducing emissions; and

Whereas, This cleaner burning gasoline, called reformulated gasoline or RFG, is required by the Clean Air Act in cities with the worst smog pollution such as New York since RFG reduces emissions that contribute to smog formation; and

Whereas, The most commonly used of these oxygenates is methyl tertiary butyl ether (MTBE); and

Whereas, This chemical has been added to gasoline in many states since the 1970's, first in low concentrations to boost the octane rating, then added in higher concentrations in the 1990's to make fuel burn more cleanly; and

Whereas, In 1996 the United States Environmental Protection Agency (EPA) made using the additive or similar chemicals mandatory at least part of the year in many polluted areas across the country where air quality did not meet Federal air standards; and

Whereas, Controversy has surrounded the use of MTBE, particularly as a result of the contamination of drinking water supplies by leaks from gasoline storage tanks and pipelines, which has raised serious questions concerning the desirability of using the additive as a means of producing cleaner burning fuel; and

Whereas, Unlike other components of gasoline, which evaporate and do not mix with water, MTBE readily dissolves in water, quickly spreading underground and resisting the effect of filters that remove other pollutants as well as soil bacteria that readily digest other ingredients of gasoline; and

Whereas, EPA has listed MTBE as a probable animal and possible human carcinogen and in July 1999 an advisory panel recommended a substantial reduction in its use; and

Whereas, MTBE's presence has been discovered in New York State's ground water, private and public drinking water wells and many of its streams and ponds; and

Whereas, Toxics Targeting, Inc., an environmental research firm, identified more than 1,800 MTBE spills reported by the Department of Environmental Conservation (DEC) in New York's 62 counties, and it is reported that for more than 90% of those spills, State cleanup standards were not met; and

Whereas, In New York City, there are 101 sites on the list, including one that has contaminated two wells in Queens that are part of the New York City water supply; and

Whereas, 500,000 residents in Jamaica, Queens, use well water as their exclusive or primary source of drinking water and face a potential risk of contamination to their drinking supply; and

Whereas, In November 1999, Governor George E. Pataki ordered a reduction in New York's standard for allowable concentrations of MTBE in ground and drinking water from 50 parts per billion (ppb) to 10ppb; and

Whereas, In March 1999, Governor Gray Davis of California ordered that MTBE be completely eliminated from gasoline in that state by 2002; and

Whereas, The New York State Assembly overwhelmingly approved a bill (A. 5513-A) to ban the sale of gasoline containing the additive MTBE, and an identical bill has been introduced in the State Senate; and

Whereas, Under this bill, individuals who sell gasoline with MTBE will be subject to a minimum fine of \$500 and a maximum fine of \$10,000; now, therefore, be it

Resolved, The Council of the City of New York calls upon the New York State Senate to pass S.6137-A, which would ban the sale of gasoline containing the additive methyl tertiary butyl ether (MTBE), and Governor George E. Pataki to sign this bill into law.

L.S. No. 2840
AS 3/14/2000

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