



Sub. H.B. 425*

124th General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Reps. Reinhard, Faber, Grendell, Manning, Husted, Gilb, Core, Hagan, Womer Benjamin, Young, Webster, Cates, Fessler, Trakas, Carmichael, Buehrer, Clancy, Flowers, Perry, Damschroder, Lendrum, Seitz, Carey, Peterson, Seaver, Patton, Redfern, Allen, Ogg, D. Miller, Wilson, Cirelli, Coates, Roman, Barrett, Carano, Latell, Britton, McGregor, Aslanides, Hartnett, Collier, Boccieri, Otterman, Hoops, Hughes, Reidelbach, G. Smith, Widowfield, Salerno, Sulzer

BILL SUMMARY

- Generally prohibits the sale of motor vehicle fuel containing methyl tertiary butyl ether (MTBE) in certain quantities.
- Authorizes the Department of Natural Resources to specify minimum distances for the location of oil and gas well facilities from rivers, lakes, streams, ponds, and other bodies of water.

CONTENT AND OPERATION

Fuel prohibition

The bill prohibits, on or after July 1, 2005, any person from selling or delivering to any distributor in Ohio, or from importing into Ohio for sale in Ohio, any motor vehicle fuel containing methyl tertiary butyl ether (MTBE) (see **COMMENT**) in quantities greater than 1/2 of 1% by volume (sec. 3704.12(A)). This prohibition, however, will not operate unless the United States Environmental Protection Agency grants a waiver allowing Ohio to control or prohibit the use of MTBE in motor vehicle fuels. The Ohio Director of Environmental Protection must apply for this waiver in a timely manner in order to obtain it before July 1, 2005. (Sec. 3704.12(C).)

* *This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Upon the Director's request, the Attorney General must commence an action for injunctive relief in any court of competent jurisdiction against any person violating or threatening to violate the bill's prohibition. The court may grant temporary as well as permanent injunctive relief. (Sec. 3704.12(B).)

ODNR authority to preempt certain county and township minimum distance requirements

Under current law, the Chief of the Division of Mineral Resources Management in the Department of Natural Resources may specify certain practices to be followed in the drilling of wells and production of oil and gas for protection of public health or safety or to prevent damage to natural resources. Among those practices, the chief may specify minimum distances that wells and other excavations, structures, and equipment must be located from water wells, streets, roads, highways, railroad tracks, and buildings. (Sec. 1509.23(A).) Current law also prohibits counties and townships from adopting or enforcing any requirements pertaining to those minimum distances (sec. 1509.39).

The bill confers authority on the Chief of the Division of Mineral Resources to specify minimum distances for the location of oil and gas well facilities from rivers, lakes, streams, ponds, and other bodies of water (sec. 1509.23(A)). It also preempts counties and townships from adopting or enforcing any local requirements for those minimum distances (sec. 1509.39).

COMMENT

MTBE is an oxygenate, which means that is an oxygen-bearing additive used to reduce engine knocking and help gasoline burn more cleanly. According to information on the web site of the California Air Resources Board, MTBE began to be used as an anti-knock compound after the United States Environmental Protection Agency certified it for use in gasoline in 1979. The Board's web site also indicates that MTBE has caused public concern because it, along with other gasoline components, can contaminate groundwater when underground fuel tanks leak. MTBE moves faster in water than other fuel components and, in small amounts, renders drinking water unusable.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-25-01	p. 997
Reported, H. State Gov't	02-07-02	p. 1365
Passed House (95-0)	02-19-02	p. 1411
Reported, S. State & Local Gov't & Veterans Affairs	---	---

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