

AMENDED IN ASSEMBLY JUNE 25, 1998

AMENDED IN SENATE APRIL 28, 1998

AMENDED IN SENATE MARCH 18, 1998

**Senate Joint Resolution**

**No. 36**

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**Introduced by Senator Johannessen  
(Coauthor: Senator Mountjoy)**

(Coauthors: Assembly Members House, Leach, Miller, Richter, ~~and Woods~~ Woods, Ackerman, Alby, Alquist, Ashburn, Baca, Baugh, Bowen, Bowler, Brown, Bustamante, Campbell, Cardoza, Cunneen, Figueroa, Frusetta, Granlund, Havice, Hertzberg, Honda, Kuehl, Lempert, Machado, Margett, Martinez, Mazzoni, McClintock, Morrissey, Morrow, Murray, Napolitano, Olberg, Ortiz, Poochigian, Prenter, Sweeney, Torlakson, Villaraigosa, Wayne, and Wildman)

January 14, 1998

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Senate Joint Resolution No. 36—Relative to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SJR 36, as amended, Johannessen. Gasoline.

This measure would memorialize Congress to enact legislation that would permit California to promulgate and implement reformulated gasoline rules.

Fiscal committee: no.

1 WHEREAS, The federal Clean Air Act Amendments of  
2 1990 (P.L. 101-549) require areas that exceed the federal  
3 ambient air quality standard for carbon monoxide to use

1 oxygenated gasoline during the winter in some areas, and  
2 year-round in areas with the most severe ozone pollution;  
3 and

4 WHEREAS, Methyl tertiary-butyl ether (MTBE) is the  
5 most commonly used oxygenate in the United States; and

6 WHEREAS, MTBE has leaked into California's  
7 groundwater and contaminated valuable water supplies;  
8 and

9 WHEREAS, MTBE is colorless, but tastes and smells  
10 like turpentine; and

11 WHEREAS, MTBE can be tasted and detected by  
12 smell, at extremely low concentrations; and

13 WHEREAS, MTBE is highly water soluble and moves  
14 at almost the same rate as water, thus making  
15 containment and cleanup after contamination very  
16 difficult; and

17 WHEREAS, The United States Environmental  
18 Protection Agency (USEPA) has tentatively classified  
19 MTBE as a possible human carcinogen; and

20 WHEREAS, MTBE is alleged to cause serious health  
21 risks and is the subject of an extensive legislatively  
22 mandated study to determine if MTBE exposure causes  
23 memory loss, asthma, skin irritation, or other problems;  
24 and

25 WHEREAS, MTBE has been found in groundwater in  
26 16 other states besides California; and

27 WHEREAS, The USEPA has recommended a range of  
28 20 to 40 parts per billion (ppb) in its Drinking Water  
29 Health and Consumer Acceptability Advisory, but that  
30 advisory is not enforceable; and

31 WHEREAS, A high level of MTBE contamination  
32 forced the City of Santa Monica to shut down  
33 contaminated wells that supplied the city with drinking  
34 water, and the city eventually lost 71 percent of its local  
35 water supply; and

36 WHEREAS, MTBE has been measured in 27 different  
37 lakes and reservoirs in California, including Lake Shasta  
38 and Lake Tahoe; and

39 WHEREAS, Incidents of MTBE leakage from sites with  
40 new storage tanks meeting federal requirements have



1 been alleged, and state and federal agencies are  
2 examining the precise cause of this MTBE leakage; and

3 WHEREAS, Due to public outcry, the State of Alaska  
4 demanded and received a waiver from USEPA  
5 precluding the use of MTBE; and

6 WHEREAS, Major oil companies are convinced that it  
7 is a combination of properties of gasoline that produces  
8 cleaner burning gasoline and that no individual  
9 component is capable of reducing smog in California; and

10 WHEREAS, California has historically led the nation in  
11 enacting air quality improvement measures that provide  
12 substantial health, economic, and social benefits for the  
13 state's citizens; and

14 WHEREAS, Both the California Cleaner Burning  
15 Gasoline Program and federal reformulated gasoline  
16 programs are implemented concurrently in Los Angeles,  
17 Orange, Riverside, San Bernardino, San Diego, Ventura,  
18 and Sacramento Counties, and in portions of surrounding  
19 counties, resulting in duplicative bureaucracy,  
20 inconsistent requirements, and unnecessary costs; and

21 WHEREAS, The California Cleaner Burning Gasoline  
22 Program provides greater flexibility than the federal  
23 program to produce gasoline that meets the stringent  
24 emission reduction mandates; and

25 WHEREAS, Both Congressman Brian Bilbray and  
26 Senator Dianne Feinstein have introduced legislation,  
27 H.R. 630 and S. 1576, respectively, to remove the  
28 duplication and overlap of two regulatory regimes by  
29 allowing California to apply its own regulations for  
30 reformulated gasoline in lieu of the federal regulations  
31 within the state, as long as it achieves equivalent or  
32 greater emission reductions; and

33 WHEREAS, H.R. 630 has broad bipartisan support from  
34 the members of the California congressional delegation;  
35 and

36 WHEREAS, The State Air Resources Board expressed  
37 its support for H.R. 630 in writing to the Honorable  
38 Thomas J. Bliley, Jr., Chairman of the House Committee  
39 on Commerce on February 28, 1997; and



1 WHEREAS, The California State Legislature has  
2 historically supported efforts to eliminate overlapping  
3 and duplicative regulations that provide no additional  
4 benefits; and

5 WHEREAS, California has received a waiver pursuant  
6 to Section 209(b)(1) of the federal Clean Air Act (42  
7 U.S.C. Sec. 7543(b)(1)) allowing California to be exempt  
8 from some sections of the federal Clean Air Act as long as  
9 the state's ambient air quality standard for carbon  
10 monoxide is the same or more stringent than federal  
11 requirements; and

12 WHEREAS, The Section 209(b)(1) waiver does not  
13 apply to the federal gasoline oxygenate requirement;  
14 now, therefore, be it

15 *Resolved by the Senate and Assembly of the State of*  
16 *California, jointly,* That the Legislature of the State of  
17 California respectfully memorializes the Congress of the  
18 United States to enact legislation to permit California to  
19 promulgate and implement reformulated gasoline rules  
20 in lieu of the federal regulations, if those regulations  
21 achieve equivalent or greater emission reductions than  
22 required under the federal Clean Air Act; and be it  
23 further

24 *Resolved,* That the Legislature of the State of California  
25 supports H.R. 630 as introduced on February 6, 1997, and  
26 S. 1576 as introduced on January 28, 1998, respectfully  
27 memorializes Congress to enact H.R. 630 or S. 1576, and  
28 respectfully requests the President of the United States to  
29 sign H.R. 630 or S. 1576; and be it further

30 *Resolved,* That the Secretary of the Senate transmit  
31 copies of this resolution to the President and Vice  
32 President of the United States, the Secretary of the  
33 United States Environmental Protection Agency, the  
34 Speaker of the House of Representatives, and to each  
35 Senator and Representative from California in the  
36 Congress of the United States.

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