



County of Santa Cruz

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April 30, 2001

Agenda: May 8, 2001

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

**Re: Follow Up Report and Recommendation Regarding Reduction of Use of
the Fuel Additive MTBE in Santa Cruz County**

Dear Members of the Board:

On April 24, 2001, your Board approved recommendations regarding a public awareness program designed to reduce the use of the fuel additive MTBE in Santa Cruz County. At that time, a question was raised by your Board regarding the County of Santa Cruz's authority to regulate the labeling of gas pumps within its jurisdiction

State law currently provides that equipment dispensing gasoline which contains MTBE must be labeled as such. The label must state that the gasoline being dispensed "contains MTBE" and that the "State of California has determined that the use of this chemical presents a significant risk to the environment". The label must be contrasting in color to the gasoline dispensing equipment, have capitalized letters and must be conspicuous and legible to a customer when viewed from the driver's position inside the car. The State regulations include an enforcement provision.

Because the State regulates the labeling of gasoline dispensing equipment, the County authority to regulate this area is preempted. Your Board can, however, include a voluntary labeling component in the public awareness program your Board approved on April 24, 2001.

IT IS THEREFORE RECOMMENDED that your Board:

1. Accept and file this report; and
2. Direct the County Administrative Office, in conjunction with General Services, Public Works and Environmental Health, to include a voluntary labeling component in the public awareness program being developed to reduce the use of gasoline containing MTBE in Santa Cruz County. The labels should make clear which pumps dispense gasoline that does not contain MTBE.

Very truly yours,

SAMUEL TORRES, JR., COUNTY COUNSEL

By 

Dana McRae, Chief Assistant County Counsel

RECOMMENDED:

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SUSAN A. MAURIELLO
County Administrative Officer

cc: Environmental Health
General Services
Public Works